

Ben Fulmer

From: Sydney Grange <sgrange.f13@warren-wilson.edu> on behalf of Sydney Grange
Sent: Monday, May 08, 2017 8:13 PM
To: Cecil Bothwell
Subject: Re: Environmental Law Project: Vacant Lot

Thanks Cecil for answering all of my questions, I appreciate it. If you're interested, I can send you a copy of my final paper, let me know!

Best,
Sydney Grange

On Sat, May 6, 2017 at 5:00 PM, Cecil Bothwell <cecilbothwell@avlcouncil.com> wrote:

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Cecil Bothwell
@cecilbothwell
[828-713-8840](tel:828-713-8840)

On May 6, 2017, at 2:13 PM, Sydney Grange <sgrange.f13@warren-wilson.edu> wrote:

Thank you so much for your responses!

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Lastly, the community representatives for the CBA model don't have to be those on the Advisory Team, and a new community coalition could be formed for CBA negotiations if they were to occur. The downside to this model, although it could ensure green space for at least part of the site, is that it typically requires compromise and would probably end up allocating other parts of the site for other activities/establishments (yet the other uses would have to be agreed upon by the community coalition and the city before being enacted). Although this is all hypothetical, if a CBA could ensure some green space, yet with the cost of compromising to allow for some other uses of the space (within the reason/willingness of the community coalition), do you feel that this certainty for some green space would be worth the potential costs? Or does the demand for the full site to be a park need to be uncompromising, even if it may not carry the same certainty that a CBA could ensure?

One last question-- what was determined about the rights of the street that bisects the Page and Haywood properties? Would this section be able to be obtained for purpose of creating a larger and less divided space once a design for the space is agreed upon?

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The Council as currently composed is a 4-3 vote in favor of some commercial development of the space. With a major opponent of use of the entire space as a park retiring from Council, I am hopeful that the 2017 election will shift the vote in favor of a park.

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The 2014 motion was decisively rejected by voters in 2015 when strong proponents of "all park" finished 1, 2 and 4, with the 3rd place winner softening her anti-park position in the closing weeks. The strongest proponent of the tax producing building plan, Vice Mayor Marc Hunt, was decisively rejected by voters.

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I have a link to documents but it is too large to include here. Will try another route.

5. When do you think City Council will be making a decision on a design firm to move forward with the space?

My guess is that Staff will create a Request for Proposals in about two months, that the RFP will go out with a response time of about two months, that responses will be reviewed in about two months, so perhaps a decision on a design firm in the fall. Then designs which will be accepted or rejected by the next Council.

- 6) It has been stated that a Downtown Master Plan for Asheville has called for a park in the area where the vacant lot is currently. Can you point me to that Master Plan and provide more details on that?

<http://www.ashevillenc.gov/civicax/filebank/blobdload.aspx?blobid=27357>

7. On the Friends of St. Lawrence Green Site it says that ashevillians have wanted a plaza for the area where the vacant lot is since 1970? Where has that determination come from/could you point me to more information on the matter?

Um, no. Am not aware of that on that site. Please point me toward it. Think the effort has been since about 2002, with early emphasis in 2005.

8) A Community Benefits Agreement is a legally binding contract signed between community members and the developer that attempts to resolve land-use debates through a community oriented process. These contracts list specific requirements that further benefits to the community and that ensure that community desires are not only considered but are acted upon. Do you think something like this would be feasible to apply to the Haywood and Page Street vacant lots? This would entail that City Council would enter a binding agreement with community stakeholders (potentially the Advisory Team), setting out specific requirements agreed upon after a series of mediated discussions, and these requirements would then be passed along to the designer(s) for them to implement within their proposed designs.

I have no confidence in the Advisory Team. We have formed a nonprofit corporation, Friends of St. Lawrence Green, which will begin to program the “gravel pit” starting in mid July. The promises of the ADC per delivering “quick, cheap, light” events never occurred. So we are going to actually start making things happen. I have four votes on Council for this, so it will go forward. Yoga, Knitting in Public, music, plein aire painting, tai-chi, lectures, reading to kids, poetry, and more.
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On May 1, 2017, at 3:39 PM, Sydney Grange
<sgrange.f13@warren-wilson.edu> wrote:

Hi Cecil,

Thanks for the response, glad you're willing to help! Below are the questions I have. Thanks in advance for your time!

1) How do you feel that the Haywood Visioning Project went? Do you think it was an effective method, and do you think the Asheville Design Center was effective with facilitating it?

2) Do you think City Council is considering greenspace for the area after demands for such a space have been made so clear?

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Thanks again! Any insights you have would be very helpful. I look forward to hearing back!

Best,
Sydney

On Fri, Apr 28, 2017 at 7:40 AM, Cecil Bothwell <cecilbothwell@avlcouncil.com> wrote:

Hi Sydney,

How about posing your questions via e-mail, then a follow up phone call if you need clarification.

-C

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On Apr 25, 2017, at 10:31 PM,
Sydney Grange
<sgrange.f13@warren-wilson.edu> wrote:

Dear Cecil,

My name is Sydney Grange and I am a student at Warren Wilson College studying Environmental Policy and Conservation Biology. I reached out over facebook messenger before I found your email, but I figured it would be good to send an email as well.

I currently am working on a project for my Environmental Law class, and I will be

focusing on the ongoing debate over the vacant lot on Haywood and Page Street. I know you've always had a firm stance on this issue in calling for a park, and I feel that you also have an important perspective since you're on City Council. It would be very helpful to hear your perspective, and I also have some specific questions regarding the vacant lot and the Haywood Visioning Project.

Let me know if you'd be available to talk sometime within the next week and a half. We can talk via email, over the phone, in person-- whatever would work best for you!

Thanks for your time and I hope to hear back soon!

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Um, no. Am not aware of that on that site. Please point me toward it. Think the effort has been since about 2002, with early emphasis in 2005.

8) A Community Benefits Agreement is a legally binding contract signed between community members and the developer that attempts to resolve land-use debates through a community oriented process. These contracts list specific requirements that further benefits to the community and that ensure that community desires are not only considered but are acted upon. Do you think something like this would be feasible to apply to the Haywood and Page Street vacant lots? This would entail that City Council would enter a binding agreement with community stakeholders (potentially the Advisory Team), setting out specific requirements agreed upon after a series of mediated discussions, and these requirements would then be passed along to the designer(s) for them to implement within their proposed designs.

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Cecil Bothwell
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[828-713-8840](tel:828-713-8840)

On May 1, 2017, at 3:39 PM, Sydney Grange
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Hi Cecil,

Thanks for the response, glad you're willing to help! Below are the questions I have. Thanks in advance for your time!

1) How do you feel that the Haywood Visioning Project went? Do you think it was an effective method, and do you think the Asheville Design Center was effective with facilitating it?

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Thanks again! Any insights you have would be very helpful. I look forward to hearing back!

Best,
Sydney

On Fri, Apr 28, 2017 at 7:40 AM, Cecil Bothwell <cecilbothwell@avlcouncil.com> wrote:

Hi Sydney,

How about posing your questions via e-mail, then a follow up phone call if you need clarification.

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<sgrange.f13@warren-wilson.edu> wrote:

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My name is Sydney Grange and I am a student at Warren Wilson College studying Environmental Policy and Conservation Biology. I reached out over facebook messenger before I found your email, but I figured it would be good to send an email as well.

I currently am working on a project for my Environmental Law class, and I will be

focusing on the ongoing debate over the vacant lot on Haywood and Page Street. I know you've always had a firm stance on this issue in calling for a park, and I feel that you also have an important perspective since you're on City Council. It would be very helpful to hear your perspective, and I also have some specific questions regarding the vacant lot and the Haywood Visioning Project.

Let me know if you'd be available to talk sometime within the next week and a half. We can talk via email, over the phone, in person-- whatever would work best for you!

Thanks for your time and I hope to hear back soon!

Best,
Sydney Grange

Ben Fulmer

From: Cecil Bothwell <cecilbothwell@avlcouncil.com> on behalf of Cecil Bothwell
Sent: Saturday, May 06, 2017 5:01 PM
To: Sydney Grange
Subject: Re: Environmental Law Project: Vacant Lot

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Cecil Bothwell
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On May 6, 2017, at 2:13 PM, Sydney Grange <sgrange.fl3@warren-wilson.edu> wrote:

Thank you so much for your responses!

So the RFP doesn't request a specific preliminary design for the site? It just asks for some examples of past designs?

Well, there is no RFP at present. My imagination is that no firm is going to invest a lot of time creating a specific site plan (or some specifics) in a bidding process. Big plans take a lot of time (read: money) and I can't imagine they would do that simply pitching their skills. I could be wrong.

So once a design firm is selected and comes up with a design, the final design still has to be approved by City Council?

Definitely. Any expenditure of City money on a big project has to be approved by Council. There's no way we could license an outside organization to create a plan of unknown cost and simply do it.

Is there any space or any possibility for the public and/or a specific community coalition to be a part of deciding on a design firm once proposals begin to come in?

My take is that once we ask for proposals, and those proposals come back to Council, the choice of a design firm would be a debated issue subject to public comment, at least.

In the meantime, Friends of St. Lawrence Green will begin programming in mid-July, and I will insist that whatever design firm is chosen pay attention to the "Quick, Light, Cheap" events we schedule over the next few years in their design considerations.

There's quite a bit of flexibility with the CBA process. There are both public and private CBAs-- they can be with City Council/a city agency & a community coalition, a community coalition and developer, or between a community coalition, the city, and the developer. The private agreement with a developer & community group is typically the model that's used, but there are many other types of CBAs. The design firm can serve as the "developer" in a CBA.

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Lastly, the community representatives for the CBA model don't have to be those on the Advisory Team, and a new community coalition could be formed for CBA negotiations if they were to occur. The downside to this model, although it could ensure green space for at least part of the site, is that it typically requires compromise and would probably end up allocating other parts of the site for other activities/establishments (yet the other uses would have to be agreed upon by the community coalition and the city before being enacted). Although this is all hypothetical, if a CBA could ensure some green space, yet with the cost of compromising to allow for some other uses of the space (within the reason/willingness of the community coalition), do you feel that this certainty for some green space would be worth the potential costs? Or does the demand for the full site to be a park need to be uncompromising, even if it may not carry the same certainty that a CBA could ensure?

One last question-- what was determined about the rights of the street that bisects the Page and Haywood properties? Would this section be able to be obtained for purpose of creating a larger and less divided space once a design for the space is agreed upon?

Thanks again for your time, I appreciate it!

Best,
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On Mon, May 1, 2017 at 8:28 PM, Cecil Bothwell
<cecilbothwell@avlcouncil.com> wrote:

1. How do you feel that the Haywood Visioning Project went? Do you think it was an effective method, and do you think the Asheville Design Center was effective with facilitating it?

I think the Haywood Visioning Project was largely a waste of time and money. It was a major disappointment. The process promised at the outset did not occur and the resulting list of possible uses for the property could have been composed at the start.

2. Do you think City Council is considering greenspace for the area after demands for such a space have been made so clear?

The Council as currently composed is a 4-3 vote in favor of some commercial development of the space. With a major opponent of use of the entire space as a park retiring from Council, I am hopeful that the 2017 election will shift the vote in favor of a park.

3. I read that through a vote in 2014, City Council motioned that the vacant lot needed to have a tax producing building, a street level that adds vibrancy and public activity, and a project that complements the US Cellular Center and the Basilica. Does this motion still hold true? Is this something the City Council is requiring for proposed designs for the space?

The 2014 motion was decisively rejected by voters in 2015 when strong proponents of “all park” finished 1, 2 and 4, with the 3rd place winner softening her anti-park position in the closing weeks. The strongest proponent of the tax producing building plan, Vice Mayor Marc Hunt, was decisively rejected by voters.

4. I have heard that City Council elections have in the past been determined over the ongoing debate over this lot. Could you speak more to this? Are there any documents you could point me to that have details on this?

The 2005 election significantly hinged on former Mayor Charles Worley’s plan to use the site for a high-rise parking deck with mixed use retail at the ground level. Worley was defeated by Bellamy who opposed the plan, and the Council members elected all opposed the deck.

In 2015, as noted above, pro-park candidates won two of three seats and the winner of the third fudged her pro-development stance in the closing weeks.

I have a link to documents but it is too large to include here. Will try another route.

5. When do you think City Council will be making a decision on a design firm to move forward with the space?

My guess is that Staff will create a Request for Proposals in about two months, that the RFP will go out with a response time of about two months, that responses will be reviewed in about two months, so perhaps a decision on a design firm in the fall. Then designs which will be accepted or rejected by the next Council.

- 6) It has been stated that a Downtown Master Plan for Asheville has called for a park in the area where the vacant lot is currently. Can you point me to that Master Plan and provide more details on that?

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[828-713-8840](tel:828-713-8840)

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On Apr 25, 2017, at 10:31 PM, Sydney Grange
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on the ongoing debate over the vacant lot on Haywood and Page Street. I know you've always had a firm stance on this issue in calling for a park, and I feel that you also have an important perspective since you're on City Council. It would be very helpful to hear your perspective, and I also have some specific questions regarding the vacant lot and the Haywood Visioning Project.

Let me know if you'd be available to talk sometime within the next week and a half. We can talk via email, over the phone, in person--whatever would work best for you!

Thanks for your time and I hope to hear back soon!

Best,
Sydney Grange

Ben Fulmer

From: Cecil Bothwell <cecilbothwell@avlcouncil.com> on behalf of Cecil Bothwell
Sent: Friday, May 05, 2017 5:41 AM
To: Sydney Grange
Subject: Re: Environmental Law Project: Vacant Lot

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1) Which city staff/city agency are responsible for issuing the RFP? Does the RFP contain certain expectations-- such as following the guidelines established by the Haywood Visioning project?

City Manager's office, with the City Attorney's office.

2) What is the lot zoned for? Are there any zoning limitations?

Commercial. I am going to ask Council for rezoning as a "temporary park" at the May 23 Council meeting. This designation is necessary in order to use it for the activities we are planning.

3) If City Council were to elect another pro-park candidate in November, and to maintain all current pro-park members, what process would the city undergo to implement a park? Would you all pass a resolution or would it come through a motion or something else?

We would request a park design from the selected design firm, then establish a time frame, and a funding plan.

4) Since the RFP process is expected to end before the November election, and since a design firm will be selected based on their preliminary designs, what would happen if the design firm agreed upon is not willing or able to focus on establishing a park, or if establishing a park runs contrary to their preliminary design?

At least three of us will insist that a full park be one of the design options. Given that the decision will be made by the next Council I think that has to be an option. Note that the study group came back with a list of POSSIBLE uses. They do not have the power to MANDATE anything, just suggest.

5) Do you think that passing a resolution before the RFP goes out to establish some important, necessary components of design for the agency to follow as it drafts its preliminary design could be a possibility? This could be something like devoting a certain amount of land to green space, requiring a certain number of trees or benches etc.

I think the RFP will be more in the way of “show us your previous work and convince us that you are capable of designing a great space.”

Today I spoke with someone from a law firm that focuses on Community Benefits Agreements about this site, whether a CBA would be a possibility, and if other options that would ensure city action would be viable. She said a resolution would probably be more viable than a CBA since the city is in process of choosing a firm to create a design for the site, and that this resolution could be good to establish prior to the RFP, since the firms should be designing based upon any restrictions/requirements set. She did also say that a CBA could work-- it would be between City Council or the agency responsible for drafting the RFP and that it would negotiate priorities for the site that designers would be legally bound to upholding once chosen or hired.

Hmmm. I guess I’m confused. I thought a CBA was something between a private developer and the community ... for example, if the sale to McKibbin Hotels had gone through, that corporation might have had a CBA. I don’t understand how that would apply to a design firm. Maybe I simply don’t understand, but it seems to me that whatever design is created it will have to be accepted by Council. If we have four votes (for anything) we can determine whether that design includes whatever community benefits we expect to achieve.

-c

Just wanted to update you on that conversation I had, and would love to hear your thoughts on the questions! Thanks in advance for your time, I greatly appreciate it.

Thanks,
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Hi Sydney,

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While I appreciate your suggestion of a CBA, that presupposes a “developer” with whom to agree. I’m holding out for using all of the land, other than roads as a public space. As I said, I am optimistic that we will have the 4 votes needed after November. (elections are, of course, a crap shoot). The City owns the land outright and can certainly afford to develop the entire property as a park. The “temporary” uses will stretch over at least the next three years as we think through the best approach to the project.

Regarding roads, the first design decision that needs to be arranged involves the 5-way intersection and the alley. The alley that bisects the property is deeded and however things are rearranged that access will be required. The simplest might be a right or left turn in the alley to connect to Haywood or Battle Square.

One idea offered over the course of discussions is connecting the road between the library and the Vanderbilt directly to Battle Square, which would offer the alley a “T” intersection. Other ideas include attaching the park to the front of the Civic Center property and routing traffic around it. (With Haywood making a right turn to Battle Square and the Flint/Haywood

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|

Ben Fulmer

From: Sydney Grange <sgrange.f13@warren-wilson.edu> on behalf of Sydney Grange
Sent: Thursday, May 04, 2017 9:11 PM
To: Cecil Bothwell
Subject: Re: Environmental Law Project: Vacant Lot

Hi Cecil,

Thanks again for taking the time to answer my questions and to provide your insights. It seems that more and more questions keep coming up as I continue to hear from you and others, and as I do more research on my own.

If you are able to continue corresponding with me, I have some additional questions. I should be getting to the end of my questions though, as I am wrapping up my project to present next week (so i shouldn't have too many more after these, if any).

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[828-713-8840](tel:828-713-8840)

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Ben Fulmer

From: Cecil Bothwell <cecilbothwell@avlcouncil.com> on behalf of Cecil Bothwell
Sent: Tuesday, May 02, 2017 7:32 AM
To: Sydney Grange
Subject: Re: Environmental Law Project: Vacant Lot

Hi Sydney,

The identification of the site as a future park is in an appendix to the DTMP. I think the link I sent should get you there. See the Parks and Greenways Diagram p. S3-29 (for one, I believe it is indicated elsewhere, but that's a start).

While I appreciate your suggestion of a CBA, that presupposes a "developer" with whom to agree. I'm holding out for using all of the land, other than roads as a public space. As I said, I am optimistic that we will have the 4 votes needed after November. (elections are, of course, a crap shoot). The City owns the land outright and can certainly afford to develop the entire property as a park. The "temporary" uses will stretch over at least the next three years as we think through the best approach to the project.

Regarding roads, the first design decision that needs to be arranged involves the 5-way intersection and the alley. The alley that bisects the property is deeded and however things are rearranged that access will be required. The simplest might be a right or left turn in the alley to connect to Haywood or Battle Square.

One idea offered over the course of discussions is connecting the road between the library and the Vanderbilt directly to Battle Square, which would offer the alley a "T" intersection. Other ideas include attaching the park to the front of the Civic Center property and routing traffic around it. (With Haywood making a right turn to Battle Square and the Flint/Haywood connection doing the same. Eliminate Page from Battle Square to Flint? I'm not a traffic planner, but again, that needs to be the first decision.)

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My name is Sydney Grange and I am a student at Warren Wilson College studying Environmental Policy and Conservation Biology. I reached out over facebook messenger before I found your email, but I figured it would be good to send an email as well.

I currently am working on a project for my Environmental Law class, and I will be focusing on the ongoing debate over the vacant lot on Haywood and Page Street. I know you've always had a firm stance on this issue in calling for a park, and I feel that you also have an important perspective since you're on City Council. It would be very helpful to hear your perspective, and I also have some specific questions regarding the vacant lot and the Haywood Visioning Project.

Let me know if you'd be available to talk sometime within the next week and a half. We can talk via email, over the phone, in person-- whatever would work best for you!

Thanks for your time and I hope to hear back soon!

Best,
Sydney Grange

Ben Fulmer

From: Cecil Bothwell <cecilbothwell@avlcouncil.com> on behalf of Cecil Bothwell
Sent: Monday, May 01, 2017 8:29 PM
To: Sydney Grange
Subject: Re: Environmental Law Project: Vacant Lot

1. How do you feel that the Haywood Visioning Project went? Do you think it was an effective method, and do you think the Asheville Design Center was effective with facilitating it?

I think the Haywood Visioning Project was largely a waste of time and money. It was a major disappointment. The process promised at the outset did not occur and the resulting list of possible uses for the property could have been composed at the start.

2. Do you think City Council is considering greenspace for the area after demands for such a space have been made so clear?

The Council as currently composed is a 4-3 vote in favor of some commercial development of the space. With a major opponent of use of the entire space as a park retiring from Council, I am hopeful that the 2017 election will shift the vote in favor of a park.

3. I read that through a vote in 2014, City Council motioned that the vacant lot needed to have a tax producing building, a street level that adds vibrancy and public activity, and a project that complements the US Cellular Center and the Basilica. Does this motion still hold true? Is this something the City Council is requiring for proposed designs for the space?

The 2014 motion was decisively rejected by voters in 2015 when strong proponents of “all park” finished 1, 2 and 4, with the 3rd place winner softening her anti-park position in the closing weeks. The strongest proponent of the tax producing building plan, Vice Mayor Marc Hunt, was decisively rejected by voters.

4. I have heard that City Council elections have in the past been determined over the ongoing debate over this lot. Could you speak more to this? Are there any documents you could point me to that have details on this?

The 2005 election significantly hinged on former Mayor Charles Worley’s plan to use the site for a high-rise parking deck with mixed use retail at the ground level. Worley was defeated by Bellamy who opposed the plan, and the Council members elected all opposed the deck.

In 2015, as noted above, pro-park candidates won two of three seats and the winner of the third fudged her pro-development stance in the closing weeks.

I have a link to documents but it is too large to include here. Will try another route.

5. When do you think City Council will be making a decision on a design firm to move forward with the space?

My guess is that Staff will create a Request for Proposals in about two months, that the RFP will go out with a response time of about two months, that responses will be reviewed in about two months, so perhaps a decision on a design firm in the fall. Then designs which will be accepted or rejected by the next Council.

- 6) It has been stated that a Downtown Master Plan for Asheville has called for a park in the area where the vacant lot is currently. Can you point me to that Master Plan and provide more details on that?

<http://www.ashevillenc.gov/civicax/filebank/blobdload.aspx?blobid=27357>

7. On the Friends of St. Lawrence Green Site it says that ashevillians have wanted a plaza for the area where the vacant lot is since 1970? Where has that determination come from/could you point me to more information on the matter?

Um, no. Am not aware of that on that site. Please point me toward it. Think the effort has been since about 2002, with early emphasis in 2005.

- 8) A Community Benefits Agreement is a legally binding contract signed between community members and the developer that attempts to resolve land-use debates through a community oriented process. These contracts list specific requirements that further benefits to the community and that ensure that community desires are not only considered but are acted upon. Do you think something like this would be feasible to apply to the Haywood and Page Street vacant lots? This would entail that City Council would enter a binding agreement with community stakeholders (potentially the Advisory Team), setting out specific requirements agreed upon after a series of mediated discussions, and these requirements would then be passed along to the designer(s) for them to implement within their proposed designs.

I have no confidence in the Advisory Team. We have formed a nonprofit corporation, Friends of St. Lawrence Green, which will begin to program the “gravel pit” starting in mid July. The promises of the ADC per delivering “quick, cheap, light” events never occurred. So we are going to actually start making things happen. I have four votes on Council for this, so it will go forward. Yoga, Knitting in Public, music, plein air painting, tai-chi, lectures, reading to kids, poetry, and more.

"The whole art of government consists in the art of being honest. Only aim to do your duty and mankind will give you credit where you fail."

- Thomas Jefferson (A Summary View of the Rights of British America, 1774)

Cecil Bothwell
@cecilbothwell
828-713-8840

On May 1, 2017, at 3:39 PM, Sydney Grange <sgrange.fl3@warren-wilson.edu> wrote:

Hi Cecil,

Thanks for the response, glad you're willing to help! Below are the questions I have. Thanks in advance for your time!

- 1) How do you feel that the Haywood Visioning Project went? Do you think it was an effective method, and do you think the Asheville Design Center was effective with facilitating it?
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Thanks again! Any insights you have would be very helpful. I look forward to hearing back!

Best,
Sydney

On Fri, Apr 28, 2017 at 7:40 AM, Cecil Bothwell <cecilbothwell@avlcouncil.com> wrote:
Hi Sydney,

How about posing your questions via e-mail, then a follow up phone call if you need clarification.

-c

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