

Tuesday - February 1, 1994 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Swicegood gave the invocation.

I. PROCLAMATIONS:

A. RECOGNITION OF THE 1993 B*E*S*T AWARD TO RONNIE DAVIS

City Manager Farris was proud to recognize Ronnie Davis (Police Department) as the 1993 B*E*S*T award winner. He said that Ronnie Davis was originally nominated for volunteering his time to help raise funds for the North Carolina Special Olympics for the past two years. Ronnie spent many days sitting on top of the billboard on Patton Avenue in pouring rain, hot sun and cold weather. His dedication to this special cause has certainly not gone unnoticed by the community or his fellow co-workers.

Since the B*E*S*T Program began, Ronnie has been nominated several times. Ronnie is a terrific example of a B*E*S*T employee is. He not only expresses good customer relations skills during events such as the Special Olympics but also his daily activities as a police officers.

B. RESOLUTION NO. 94-26 - RESOLUTION SUPPORTING THE INTRODUCTION OF THE "LEARN NOT TO BURN" FIRE SAFETY EDUCATION PROGRAM IN ASHEVILLE PRE-SCHOOL PROGRAMS AND IN ASHEVILLE CITY ELEMENTARY SCHOOLS

Fire Chief John Rukavina said that in September, 1993, the National Fire Protection Association (NFPA-a national organization dedicated to fire safety) announced a competitive "Learn Not to Burn Champion" school fire safety education program. Asheville Fire applied. Asheville was one of 60 U.S. cities (out of a potential 25,000) selected as a "Learn Not to Burn Champion" city. "Learn Not to Burn Champion" status means that Asheville and the Asheville City School system will receive special support, training and materials in developing a "Learn Not to Burn" fire safety education program for Asheville's elementary schools. Buncombe County schools are also offering their support.

He recognized Asheville Fire Department's public fire safety educator Kintzley Carter, who is the Department's officially-designated "Champion." Mr. Carter prepared the Department's competitive application for the "Learn Not to Burn Champion" program.

Dr. Julia Capps, representative of the Asheville City Schools, thanked the Council for their support and spoke enthusiastically about the program.

Acting Fire Marshal Wayne Hamilton talked about this program being an excellent vehicle to teach children about fire safety.

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Councilwoman Sitnick said that if the Council can help with materials, in a fairly cost effective manner, for the education process, to please let them know. She felt the smoke detector door hangers are an excellent tool to educate the public on the importance of smoke detectors.

Mayor Martin read the resolution.

Councilwoman Field moved for the adoption of Resolution No. 94-26. This motion was seconded by Councilwoman Sitnick and carried unanimously.

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C. RESOLUTION NO. 94-27 - RESOLUTION SUPPORTING THE DEVELOPMENT OF AN ACCESSIBLE COMMUNITY LIVING FACILITY WHICH PROVIDES A CONTINUUM OF SERVICES TO DEAF AND HARD OF HEARING CITIZENS

Mayor Martin read the resolution stating that the City Council expresses and declares its total and unanimous support for "PROJECT - M.P.A.C.", to be located in Asheville, and serving Buncombe County. PROJECT - M.P.A.C. will build on the continuum of services provided by Independent Options, and be adjunct to the Montview Group Home. He expressed Council's support and commitment towards involving local governments, state agencies and private enterprises in cooperation to the fruition of said project. Further, Council encourages the cooperation and interest of other divisions of the State Department of Human Resource. The Council also extends its sincere appreciation to the Cunningham family, the Board of Directors of Independent Options, and additional individuals and agencies for their efforts to improve the quality of life for citizens who are developmentally disabled adults who are deaf and hard of hearing, and residing in Asheville and Buncombe County.

Mayor Martin recognized Charles Cunningham who has been instrumental in the development and support of specialized programs such as Montview, who spoke briefly about PROJECT - M.P.A.C.

Councilwoman Field moved for the adoption of Resolution No. 94-27. This motion was seconded by Councilman Watts and carried unanimously.

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D. PROCLAMATION PROCLAIMING THE WEEK OF FEBRUARY 13-19, 1994, AS "CHILD PASSENGER SAFETY WEEK"

Mayor Martin proclaimed the week of February 13-19, 1994, as "Child Passenger Safety Week" in the City of Asheville. He presented the proclamation to Sgt. Steve Oxner who spoke of the importance of child passenger safety.

E. PROCLAMATION PROCLAIMING THE WEEK OF FEBRUARY 7-11, 1994, AS "TRAVEL AGENT APPRECIATION WEEK"

Mayor Martin proclaimed the week of February 7-11, 1994, as "Travel Agent Appreciation Week" in the City of Asheville.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO THE ADOPTION OF A STORMWATER MANAGEMENT ORDINANCE

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Mayor Martin opened the public hearing at 4:34 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

City Manager Farris reported that this ordinance establishes a program for the installation of facilities to manage stormwater from certain new development in order to reduce the hazards from flooding. There will be a resolution which will adopt a "Stormwater Standards Specifications" manual that provides developers and property owners with requirements and guidelines for designing and building stormwater management facilities.

A task force established by City Council recommended that stormwater runoff in new development be controlled, and in the fall of 1993 Council directed staff to prepare a draft stormwater management ordinance. The recommended ordinance has been reviewed by various community groups involved in the land development process.

The ordinance applies to new development that creates impervious surfaces of greater than 50% of the site area or that encompasses more than five acres. Stormwater management facilities will be required to insure that the runoff from a storm will be as good or better than before the site was developed. The facilities must be designed to accommodate the runoff from a storm of 10 year frequency of 6 hours duration. The ordinance also provides for the ongoing inspection and maintenance of stormwater facilities.

To offset the City's costs for administration of the ordinance and the required annual inspections that insure adequate maintenance of detention and retention basins, adjustments to the Fees and Charges Manual will be recommended prior to the effective date of the ordinance. Those fees are currently recommended at \$400 for the Stormwater Development Permit and \$100 per year for inspections.

The companion manual, "Stormwater Standard Specifications," provides the requirements for design and construction of stormwater management facilities. The manual includes procedures for calculating the volume of runoff, design requirements for stormwater detention and retention basins to insure that they are adequate and safe, standards for design and installation of storm sewers, and design of open channels. This manual will be adopted by Council; the Stormwater Review Committee will be authorized to make minor changes to keep the manual up-to-date.

Both the ordinance and the design manual have been designed to complement existing development ordinances to the extent possible and not to require unreasonable review delays for property owners and subdividers. The engineering department is committed to completing the review of stormwater plan as quickly as possible.

Due to the complexity of stormwater management, it is recommended that the Council hold this public hearing, schedule a workshop on the ordinance for February 8, 1994, and schedule consideration of adoption on February 15, 1994.

The President of the Deerwood Homeowners Association supported the efforts made by Council relative to stormwater runoff. However, he felt we need stormwater control after the development is made and also some stormwater control while the development is being made. He felt the -4-

biggest problem is silt and that the ordinance should not only require preventive measures, but some way of assessing those developers who put in a system that fails. The failed system subjects those residents downstream of having to spend time and money dredging their lake of silt from the failed

system. He suggested some type of penalty be imposed equivalent of the damages plus any additional assessment to cover the City's expenses of enforcement. He felt the City needed to control the widespread of silt from new development. He also urged Council to make the effective date of the ordinance 30-60 days after adoption and have it apply to those developments which are now in progress.

Ms. Margaret Shook, Crowfields resident, illustrated with pictures the damage experienced at Crowfields caused by flooding from recent developments off of and above US 25, Hendersonville Highway. She felt that Crowfields and the surrounding area is a good example on what can happen when there is no stormwater regulation. She urged Council to adopt the ordinance to regulate all developments having a proposed impervious surface on completion of the development of greater than 30% of the total acreage development (not 50%). She said that Crowfields has already spent \$50,000 in repairs to its creek banks.

Ms. Karen Cragolin, Director of RiverLink, asked Council to take another look at the section relative to the City assuming the responsibility for maintenance of storm sewers once approved by the City Engineer and not assuming the responsibility for maintenance of open channels. She felt that this was in direct conflict with the Unified Development Ordinance and asked Council to assume the responsibility for maintenance of open channels too, once approved by the City Engineer.

Planning Director Julia Cogburn responded to Ms. Cragolin's request by saying that typically open channels are more difficult and more time intensive to maintain.

Mr. Bob Mayhew, Greater Asheville Homeowners Association, said that his Association has not had sufficient time to review the ordinance and would probably have written comments at Council's worksession on February 8.

Ms. Barbara L. Tribelhorn, Crowfields resident, told Council about the fear she felt when she saw the floodwaters getting closer and closer to her home.

Mr. Walter Miller, Crowfields resident, urged Council to help the residents by adopting and enforcing the ordinance but reduce the impervious surface to 30% rather than the proposed 50%. He said that because of our topography, runoff will be a problem unless an ordinance is adopted and enforced.

Ms. Mary Louise Nelson, Crowfields resident, spoke about the damage done to her home when runoff occurs and felt that they shouldn't have to deal with the developer's mud from runoff.

Mr. Earl Shook, Crowfields resident, felt that something needed to be done not only for Crowfields, but for other areas in the City.

Ms. Helen Parks, Crowfields resident, urged Council to adopt the stormwater ordinance and briefed the Council on her own experiences with the runoff.

Mr. Don Bennett, Crowfields resident, asked Council to approve the ordinance as soon as possible.

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Mr. Daniel Breen, Charlotte Street resident, urged Council to pass an ordinance soon and consider the environmental issues involved.

Mr. John Broadbooks, North Carolina landscape architect, agreed that there certainly is a need for a stormwater management ordinance. However, he said he

didn't have confidence in this ordinance simply because it was not based upon a comprehensive hydrologic master plan for Asheville and it's not tied into the Unified Development Ordinance. He passed out to Council a letter in which he outlined his questions. Overall he felt the Council was headed in the right direction.

Mr. H. K. Edgerton questioned whether the City had considered the issue of privatization. Mayor Martin responded that it's too early in the process to look at that angle, but when information becomes available, Council will share it with the entire community.

Ms. Barber Melton, Chairman of the Planning and Zoning Commission, spoke about how closely the Planning and Zoning Commission looks at all new developments as it relates to stormwater runoff. She wanted to make sure the ordinance is enforceable. She answered Council's questions concerning bonds versus utility fees.

Mr. Robert Weast, Crowfields resident, briefed Council on how he felt seeing the raging water head towards his house. He read a statement asking Council to take into account that different drainage systems have different capacities. Therefore, the ordinance should be based upon a numerical ratio of the capacity of the drainage system to the increased volume of the stormwater runoff being discharged into the system as a result of impervious surfaces being added in that drainage area. An ordinance based solely on developments larger than five acres or in which an impervious surface is greater than 50% is not fair to either the residents or businesses in a drainage area nor to the developers who want to develop in that area.

Mr. Kenneth Miller, Crowfields resident, spoke about his experience during the heavy rain and hoped Council would reduce the impervious surface from 50% to 30%.

Mr. Irving Randolph, Crowfields resident, was concerned about development runoff onto his property.

Ms. Jean Webb, Chairman of RiverLink, commented that as we work toward revitalizing the river we need to remember that runoff is pollution in the river. She felt that a natural runoff with a filtration system is a less expensive and certainly more filtration for pollution into the river than a concrete ditch. She felt that since the City is mandated to do this, we should do it right and not leave these problems for our children and grandchildren to deal with.

In response to questions raised by Vice-Mayor Peterson, Public Works Director Jim Ewing said that the State did all the work on Hendersonville Road and they did do some work regarding stormwater runoff. Unfortunately, from a City standpoint, it created a worse problem in certain areas because it concentrated the runoff and put it into the natural runs quicker. He said that under our street and sidewalk bond program, the City is looking at the storm drainage under the streets and where it fails, we are correcting it.

Upon inquiry of Councilwoman Sitnick, Mr. Ewing said that 1995-96 is the latest target date for the EPA mandate.

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Councilwoman Sitnick encouraged the Council to stick with the effective date of July 1 because delays will only cost the City more down the line. She also felt that the Council will need to address the issue of money that is designated for projects only be used for those projects and not other projects.

Mayor Martin said that the Council will consider the input from citizens and staff and will hold a worksession on this matter on February 8.

Mayor Martin closed the public hearing at 5:47 p.m.

III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS: None

V. CONSENT:

A. RESOLUTION NO. 94-28 - RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR DISBURSEMENT AND ACCOUNTING OF PLANNING FUNDS APPROPRIATED UNDER SECTION 104 (f) OF TITLE 23 UNITED STATES CODE

Summary: The City has been the Lead Planning Agency for the urban area since the inception of the Metropolitan Planning Organization. Throughout, a planning legislation agreement has been in effect. This document details the relationship between the City and NC DOT in regard to transportation planning and the use of state and federal dollars made available to the City via the agreement. The relationship between the City and NC DOT has not changed. The revised agreement is presented in order to better reflect recent changes in federal regulations, namely the Intermodal Surface Transportation Efficiency Act.

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B. RESOLUTION NO. 94-29 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS CONVEYING RIGHT-OF-WAY AND DRAINAGE EASEMENT TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Summary: NC DOT is engaged in plans for the widening of Broadway and the plans require the acquisition of a fee simple right-of-way and a permanent drainage easement by NC DOT across property owned by the City located at the southwestern corner of the intersection of Catawba and Broadway. NC DOT has offered to pay the City \$7,900 in exchange for the right-of-way and easement. Authorization is subject to final approval of the design of the Broadway Improvement Project by the City Council and NC DOT.

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C. RESOLUTION NO. 94-30 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO LEASE NO. DTFA06-L-88-10670 WITH THE FEDERAL AVIATION ADMINISTRATION

Summary: The Federal Aviation Administration ("FAA") operates a field office adjacent to the Asheville Regional Airport. The FAA field office has for several years been located in a building of approximately 1,152 square feet which is owned by the City of Asheville. The current lease expired September 30, 1993, and the City and the FAA desire to enter into Supplemental Agreement No. 1 to Lease No. DTFA06-L-88-10670 -7-

in order to allow both parties time to negotiate a new lease. This resolution will authorize the Mayor to execute Supplemental Agreement No. 1 to Lease No. DTFA06-L-88-10670 with the FAA for a lease term expiring March 31, 1994.

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Councilwoman Field moved to adopt the Consent Agenda. This motion was seconded

by Councilman Watts and carried unanimously.

VI. OTHER BUSINESS:

A. REQUEST BY CHAMBER OF COMMERCE

Mr. Richard Stiles, Economic Development Specialist for the Asheville Area Chamber of Commerce, asked for a volunteer to accompany the Chamber to the Medical Device Manufacturer's Exposition in Fort Lauderdale, Florida, during the week of February 23-25, 1994, in order to assist them in their recruitment efforts.

Vice-Mayor Peterson moved to send Mayor Martin on this trip. This motion was seconded by Councilman Swicegood and carried unanimously.

B. RESOLUTION NO. 94-31 - RESOLUTION EXPRESSING APPRECIATION TO RIVERLINK AND ACCEPTING DONATION

City Manager Farris read the resolution stating that RiverLink has provided leadership in the development of the Riverfront Plan for the French Broad River. He said RiverLink has been a key partner with the City in the development of the French Broad Riverfront by preparing and submitting applications for grants and by raising funds for river development projects.

Ms. Karen Cragolin, Director of RiverLink, thanked the Council and other City staff for their support. She briefed the Council on the program "Fall in Love with the French Broad" that was held in October of 1993 and gave the Council a list of all the merchants who supported RiverLink through their donation to the silent auction. She was pleased to present to the City Council a check in the amount of \$10,000 for further development of the French Broad River Park. She also stated that she would be presenting a \$30,000 check to the City for the building of the canoe and kayak practice course on the French Broad River.

Mayor Martin expressed Council's appreciation and support for RiverLink and its mission of increasing the recreational and commercial use near the French Broad River. He accepted a donation of \$10,000 from RiverLink for further development of the French Broad River Park and looked forward to receiving the \$30,000 for the practice course.

Councilwoman Field moved for the adoption of Resolution No. 94-30. This motion was seconded by Councilman Swicegood and carried unanimously.

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C. MOTIONS TO RESCHEDULE PUBLIC HEARINGS

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Councilwoman Sitnick moved to reschedule the public hearing regarding political signs and the public hearing to rezone 68 and 76 Acton Circle from February 8, 1994, to February 15, 1994. This motion was seconded by Councilman Swicegood and carried unanimously.

Vice-Mayor Peterson moved to reschedule the continuation of the public hearing relative to cable television rates from February 22, 1994, to February 15, 1994, and also to reschedule the advertisement from February 11, 1994, and February 18, 1994, to February 4, 1994, and February 11, 1994. This motion was seconded by Councilman McClure and carried unanimously.

D. RESOLUTION NO. 94-32 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-

BUNCOMBE HISTORIC RESOURCES COMMISSION

City Manager Farris said that Bruce Johnson has resigned from the Historic Resources Commission. This resolution will appoint Betty Lawrence to fill an unexpired term, term to expire July 1, 1995, or until her successor has been duly appointed and qualified.

Councilwoman Sitnick moved for the adoption of Resolution No. 94-32. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

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E. RESOLUTION NO. 94-33 - RESOLUTION APPOINTING A MEMBER TO THE VICTORIA OF ASHEVILLE BOARD OF DIRECTORS

City Manager Farris said that Dorothy Maitland has resigned from the Victoria of Asheville Board of Directors. This resolution will appoint Robin Clontz to fill an unexpired term, term to expire November 29, 1994, or until his successor has been duly appointed and qualified.

Councilman McClure moved for the adoption of Resolution No. 94-33. This motion was seconded by Councilwoman Field and carried unanimously.

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F. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop spoke to Council about accountability of City government to the citizens of Asheville.

G. CLAIMS

City Manager Farris said that the following claims were received by the City of Asheville during the week of January 17-21, 1994: Gretchen L. Hall (Police), Randall Barnett (Inspections), Alex Goulart (Streets), D. W. Gailey (Water), James Phillips (Streets), Bill Studenc (Water), A.N. Christiansen (Sanitation), Nancy J. Thomas (Civic Center), and Ken Forrest (Water).

He said that these claims would be referred to the appropriate insurers for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:10 p.m.

CITY CLERK MAYOR
