

Tuesday - January 7, 1997 - 3:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Authority to Sign Temporary Construction Easement for U.S. 74 Project

Summary: The consideration of a request from State of North Carolina Department of Transportation ("NC DOT") for a temporary easement on City owned property in conjunction with the widening of US 74 Highway.

NC DOT will begin construction of US 74 highway in the spring of 1997. The project consists of widening the existing two lane highway to four lanes for approximately 4.0 miles.

The Water Resources Department has been requested by the NC DOT for a temporary construction easement on Parcel 0.65 to facilitate the project. The temporary construction easement will expire at the end of the construction improvements without need or requirement for permanent easement. This site currently is used for the location of the existing Minehole Gap Reservoir and associated water distribution main for the Fairview service area. The effected area is approximately 5,455 square feet or 0.12 acres. The construction proposed for the area consists of excavation (cut) which will extend the side slope for the roadway along this City property. The compensation to the City for the temporary easement will be \$2200.00.

Staff requests approval of the resolution authorizing the Mayor to sign the temporary easement agreement.

Livingston Street Ballfield Lights

Summary: The Parks and Recreation Department is seeking authorization from City Council to purchase and install lighting at Livingston Street Ballfield.

In an effort to maintain and improve the City of Asheville's park facilities, the Parks and Recreation Department has created a long-term program to upgrade the lighting for City-owned ballfields and has budgeted \$60,000 annually to pay for these improvements. The Livingston Street Ballfield is on the schedule for the current fiscal year.

The City, through the Parks and Recreation Department, has solicited informal bids for the above-stated project. This bid process was engaged in September 1996. A total of eleven advertisements for bid letters were sent out, including 5 to certified minority businesses registered with the City. Advertisement letters were also sent to the Asheville Business Development Center, the City's Minority Business Office and other similar business resource organizations. Four bid proposals were received, none of which were from certified minority businesses. The four bidders are listed below:

Firm Name and Location	Base Bid
Haynes Electric Utility Corp. Asheville, N.C.	\$ 44,766
Palmer Electrical Contracting Inc. Brevard, N.C.	\$ 97,320
Hayes & Lunsford Electrical Contractors Inc. Asheville, N.C.	\$ 89,200
Electrics of Asheville Inc. Asheville, N.C.	\$ 114,300

After review of these bid proposals and the qualification process of the bidders, it was determined that Haynes Electric Utility Corp. would be selected as the lowest qualified bidder and City staff would seek Council approval to enter into a contract to purchase and install lighting at Livingston Street Ballfield.

It was then determined by the contractor that additional improvements would need to be made over and above the scope of the original bid. These changes included switching to a more powerful system, which would require the addition of three large transformers and other miscellaneous materials and labor. The contractor submitted a proposal for a contract change order. City staff reviewed the proposed change order, and concur with Change Order #1 in the amount of \$10,696.

Staff recommends that the City Manager be authorized to enter into a contract with Haynes Electric Utility Corp. for the amount of \$44,766, and Contract Change Order #1 for \$10,696, to purchase and install lighting at Livingston Street Ballfield.

Bell South Telecommunications Easement

Summary: Bell South has requested an easement over a portion of Disposal Parcel 52A in the East Riverside Redevelopment Project Area.

Disposal Parcel 52A is located between Asheland Avenue and Federal Street approximately 250 feet south of Hilliard Avenue. Due to its shape and topography assemblage with adjoining property is its most likely reuse.

Bell South Telecommunications, Inc. has agreed to pay \$1,677.86 for an easement over a portion of Disposal Parcel 52A approximately 15' x 30' containing 419 square feet as a location for a type 80 service cabinet to serve the surrounding area. The easement would adjoin Federal Street from which it would be accessed and Bell South would plant a screen hedge along the other three sides of the property. Two trees would be planted on the Federal Street side. The easement would render the portion of land encumbered by the easement useless for any other purpose.

Disposal Parcel 52A contains 5,394 square feet and has a current Fair Reuse Value of \$21,600.00. Compensation for the easement was calculated by applying the per square foot value of the whole to the area of the easement.

Approval of the resolution will authorize conveyance of the easement to Bell South for the amount of \$1,677.86.

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Community Development staff recommends adoption of the resolution.

Sale of Tax Foreclosure Lot on Fairfax Avenue

Summary: Certain lots within the corporate limits of the City of Asheville have previously been foreclosed upon due to the failure of the property owners to pay ad valorem taxes for the City of Asheville and the County of Buncombe. One of those lots is located on Fairfax Avenue and is identified on the Buncombe County tax maps and records as PIN 9638.17-22-1387.

The County of Buncombe has approved the sale of this lot for \$450.00. The County of Buncombe, the City of Asheville and the Asheville Board of Education have previously entered into an arrangement whereby the County of Buncombe would convey certain of these tax lots on behalf of itself, the City and the School Board. A question has arisen, however, with regard to the record title to the property which may be addressed by the City of Asheville providing a non-warranty deed to the purchaser, disclaiming any other interest the City of Asheville may have in the property.

The resolution would authorize the County of Buncombe to convey this lot for the amount of \$450.00 and would also authorize the Mayor to execute a non-warranty deed to convey this lot to the purchaser.

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

URBAN TRAIL COMMITTEE

Co-Chairs of the Urban Trail Committee Sara Bisette and Grace Pless updated City Council on the progress to date of the Urban Trail and, with pictures, gave a brief tour.

With the City of Asheville accepting more and more public art, Vice-Mayor Field felt the City needed a policy regarding public art. Said policy should address what type art the City will accept, maintenance, disposition, repairs, etc.

On behalf of City Council, Mayor Martin thanked Ms. Bisette and Ms. Pless and the work of the entire Committee for their efforts toward this wonderful historic walking tour.

Councilman Sellers said that he was looking forward to working with the committee when the tour gets expanded into West Asheville.

ASPHALT PLANT VIDEO

With the help of a video and pictures, Mr. Larry McDevitt, along with Mr. Ron Clark, Sales Manager of CMI; Mr. Ken Murphy, President of Taylor-Murphy Construction Company; and Mr. Bill Newman, Head of the Asphalt Division of Taylor-Murphy Construction Company, discussed the pros and cons of locating an asphalt plant in Asheville.

All gentlemen present answered various questions and comments from Council concerning the plant. Discussion surrounded noise levels, black soot, steam, traffic, EPA regulations, visual impact of the plant, need for the location of the plant to be in Asheville, smell, visual and non-visual pollutants, and opposition from residents.

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Mr. Newman noted that his company will always listen to opposition and will try to work out through the concerns.

Mayor Martin thanked Mr. McDevitt and others for their presentation and appreciated their efforts toward remaining a good corporate citizen in our community.

PRESENTATION OF AUDIT REPORT

Mr. Bill Schaefer, Finance Director, introduced representatives of Crisp, Hughes & Co., L.L.P., of Asheville, N.C. They presented their findings of the audit (required by G.S. 159-34) for Fiscal Year ended June 30, 1996, which resulted in a "clean" audit opinion.

The total fund balance increased 11% from the previous year. Available (unrestricted and undesignated) fund balance represents 23% of expenditures in the General Fund. The State average for the year ended 1995 was 39% of expenditures for municipalities with populations of 60,000 - 80,000, without electrical utility funds.

When Councilman Hay asked how many cities fall within the 60,000 - 80,000 range, Mr. Ed Cody, Engagement Partner, said that he did not readily have that information but it would be included in future reports.

EDGEWOOD ROAD TRAFFIC STUDY

Mr. James Cheeks, Traffic Engineer, updated City Council on the Edgewood Road traffic study. He said that the City's Traffic Engineer and Asheville Police Department personnel have performed the necessary follow-up traffic analyses, speed enforcement, data collection, and road checks associated with the concerns raised about excessive speeding and the increase in vehicular traffic along Edgewood Road near the UNC-A campus.

On June 25, 1996, Resolution No. 96-105 (A Resolution Requesting the Public Works Department to Install Additional Traffic Control Devices and Measures along Edgewood Road Between Merrimon Avenue and the UNC-A Campus) was passed by the Asheville City Council. Based upon this resolution the following devices were installed or measures were instituted to increase safety along Edgewood Road:

- Edgewood Road and Darcy Lane were changed to a three-way stop intersection with new advance warning signage and appropriate pavement marking (crosswalks and stop bars). Foliage was removed from the intersection to increase sight distance.
- Edgewood Road and Hyannis Drive were changed to a three-way stop intersection with new advance warning signage and appropriate pavement marking (crosswalks and stop bars). Tree limbs and foliage were removed from the intersection to increase sight distance.
- Edgewood Road and Barnard Avenue were updated with new stop bars and larger stop signs. Foliage was removed from edge of roadway to increase lane width.
- Edgewood Road and Chatham Road-Trees were cut and limbs removed to increase sight distance. Advance warning signs were installed.
- "No Parking" signs were installed at appropriate locations to increase visibility at affected intersections.

Asheville Police Department S.T.E.P. Unit distributed 1000 informational flyers to motorists using Edgewood Road addressing the concerns of residents of the Edgewood Road area. Approximately 2000

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· copies were also taken to UNC-A for distribution to students at the start of the new 1996 Fall Semester.

· The Asheville Police Department S.T.E.P. Unit has also:

* Conducted 35 on-site visits

* Expended 50.25 total man-hours

* Conducted 5 check-points

* Held 24 Multiple Unit Operations

· UNC-A has provided a classification listing of total parking decals issued for the 1996 Fall Semester. 5,641 parking decals were issued during this period.

Based upon the above-mentioned actions, the Traffic Engineering Division has continued to monitor the traffic safety issues along Edgewood Road since the installation of these traffic control measures. The following data has been compiled for this purpose:

Speed Studies:

Edgewood Road: Four separate speed studies were conducted along Edgewood Road between 7/17/96 and 12/10/96 as per the Manual on Uniform Traffic Control Devices (MUTCD) and the North Carolina Supplement. The current posted speed limit along Edgewood Road is 25 MPH. The speed studies indicate that the 85th percentile speed limit is 28-33 MPH, the pace speed range is 21-35 MPH, and the median speed is 26 MPH. The 85th percentile speed is the speed at or below which 85 percent of the vehicles are moving. This speed is reviewed in relationship to the median speed and pace speed range. The pace speed range is the range of speeds at which the largest concentration of motorists drive. These speeds were all reviewed to address the speeding problems along Edgewood Road.

W. T. Weaver Boulevard: Three (3) separate speed studies were conducted along W. T. Weaver Boulevard between 7/17/96 and 12/10/96 as per the Manual on Uniform Traffic Control Devices (MUTCD) and the North Carolina Supplement. The current posted speed limit is 35 MPH. The speed studies indicate that the 85th percentile speed limit is 38-43 MPH, the pace speed range is 31-40 MPH, and the median speed range is 33-38 MPH.

Traffic Counts:

Edgewood Road: Traffic counts were conducted at various locations along Edgewood Road during 1996. The count data indicates that during early 1996 the Average Daily Traffic (ADT) along Edgewood Road was approximately 2,571 vehicles. Traffic count data compiled after the installation of the traffic control measures reveal that the ADT has dropped to approximately 2,205 vehicles. This represents a 14% decrease in traffic along Edgewood Road.

W. T. Weaver Boulevard: Traffic counts were conducted along W. T. Weaver Boulevard over the last 3 years. The 1993 ADT was 5,038 vehicles. The 1996 ADT

is 8,280 vehicles. There has been a 39% increase during this period. Since the installation of the traffic control measures along Edgewood Road, traffic volumes have increased along W. T. Weaver Boulevard. Therefore, it is evident that motorists who once used Edgewood Road have begun to utilize W. T. Weaver Boulevard, a more direct route to UNC-A.

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Edgewood Road and Darcy Lane: Traffic counts were conducted at this intersection after the installation of the traffic control measures. During a typical peak hour period approximately 43% of all vehicles at this intersection came to a complete stop, 54% of all vehicles performed "rolling" stops, and 3% of all vehicles ran the stop sign. After the new measures were in place for approximately 3 months 83% came to a complete stop, 16 % rolled through the intersection and 1% ran the stop signs.

Edgewood Road and Hyannis Drive: Traffic counts were conducted at this intersection after the installation of the traffic control measures. During a typical peak hour period approximately 41% of all vehicles at this intersection came to a complete stop, 58% of all vehicles performed "rolling stops", and 1% of all vehicles ran the stop sign. After the new measures were in place for approximately 3 months, 81% came to a complete stop, 14% rolled through the intersection and 3% ran the stop signs.

Edgewood Road and Barnard Avenue: No major traffic control devices were installed at this location except for larger stop signs. However, traffic counts were conducted after the installation of improvements at all adjacent intersections. During a typical peak hour period approximately 23% of all vehicles at this intersection came to a complete stop, 75% of all vehicles performed "rolling stops" and 2% of all vehicles ran the stop sign. This data indicates that a pattern of total disregard for the regulatory stop signs that exist along Edgewood Road both before and after the new traffic control measures were installed. The Asheville Police Department has issued a total of 32 citations-5 speeding citations, 21 stop sign citations and 6 other citations, as well as 23 warnings, 4 speed display board setups and 1 narcotics arrest. City staff will continue to monitor this area for additional traffic control measures to advise motorists of these stop conditions.

Accident Data:

Accident data has been reviewed and analyzed from 7/8/96 through 11/26/96. No accidents have occurred as per data submitted from the Asheville Police Department at the intersection of Edgewood Road and Darcy Lane and Edgewood Road and Hyannis Drive since the installation of traffic safety measures along Edgewood Road. However, two accidents have occurred at the intersection of Edgewood Road and Barnard Avenue and a citizen has reported that several accidents have been caused by the installation of the new traffic control devices. We will continue to monitor this area for additional traffic control measures. On the other hand, there have been six (6) accidents at or near the intersection of W. T. Weaver Boulevard and Merrimon Avenue and two (2) other accidents along W. T. Weaver Boulevard during this period.

Traffic Signal Warrant Analyses:

Traffic Signal Warrant Analyses were conducted along W. T. Weaver and University Heights Boulevards as per the warrants established in the MUTCD. However, this intersection currently meets six (6) of the necessary warrants. There are no plans to install a traffic signal at this location due to the fact that the UNC-A Master Plan is not complete at this time. This location will be reviewed in relationship to other intersections and Traffic Engineering

projects for the upcoming 1997-98 Budget Year.

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Public Input/Concerns:

The Traffic Engineering Division has received only six (6) complaints concerning the new traffic control devices and measures installed along Edgewood Road. An overview of these complaints indicate that motorists were initially upset about the new installations as they relate to safety, advance warnings and pedestrian crosswalks. However, these concerns have been addressed by Traffic Engineering and the Asheville Police Department.

Information obtained from UNC-A indicates that the campus seems to have accommodated to the new traffic control measures and devices installed along Edgewood Road. UNC-A has continued to work on their long-range modification plans for the campus roadway system.

Staff contacted Mr. David Whitley and Mr. Ron Dame, residents along Edgewood Road. They indicated that they had observed that overall speeds had reduced but indicated that it "doesn't feel there has been a decrease in traffic." They indicated that the current situation has improved with the additional traffic control measures. They expressed concern on what may happen in the future and cited the UNC-A Master Plan and also future development in the area. They also conveyed their receptiveness to continuing to work with the City and UNC-A.

Recommendations:

The Asheville Police Department has worked diligently this year to address the concerns of the Edgewood residents and will continue periodic monitoring of this area.

City staff recommends that all new traffic control devices and measures remain along Edgewood Road. Staff will continue to monitor activities along Edgewood Road.

Mr. C.D. Williams noted that the traffic count along W.T. Weaver Boulevard was over the last three years, whereas the traffic count along Edgewood Road was only during six months. He felt the comparison was not adequate. He also felt that with Broadway Avenue being under construction, that construction has caused more traffic on W.T. Weaver Boulevard than the traffic control measures recently installed on Edgewood Road.

Mr. Tom Byers, Special Assistant to the Chancellor at UNC-A, said that their master plan incorporates some possible road patterns around the campus. However, they have concluded that those possible changes are too far in the future and too uncertain to offer anything useful in this evaluation.

Ms. Laura Whitley stated that the three-way stops have been beneficial on Edgewood Road. Since she has heard that UNC-A is considering privatizing dorms in the neighborhood, she would like Council to keep options open for more traffic calming devices on Edgewood Road.

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

PURCHASING CARD PROGRAM

Mr. Bill Schaefer, Finance Director, said that this resolution would authorize

the City Manager to execute an agreement between the City of Asheville and Wachovia Bank Card Services to establish a

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Purchasing Card Program for use in making official purchases of goods and services.

Mr. Schaefer explained that a "Purchasing Card" is a type of corporate credit card which will be used by City elected officials and designated staff members in making purchases of goods and services in the course of their official duties. The use of such cards can provide: opportunities for streamlining small procurement actions; enhancing accountability; improving expenditure analysis capabilities; improving accuracy and timeliness of payments to vendors; allowing more flexible cash flow alternatives; etc.

Distribution of the cards will be to individuals identified by Department Directors. Each individual issued a card will be personally responsible for its safekeeping and for its use only for official business of the City. Each card will be coded to a specific Department/Division and will have a daily and monthly charge limit. This allows automatic budget expenditure tracking and has the potential to be used to cap expenditures for an individual, a Division, a Department or City-wide total. The Parks and Recreation Department will serve as the "pilot" for implementation, with expansion to the rest of the Departments expected by the end of the fiscal year.

Staff contacted several other local government units to obtain lessons learned from their implementation of purchasing card programs and then evaluated programs proposed by several banking institutions. Wachovia Bank Card Services' program was determined to provide the best opportunity to improve the efficiency, cost effectiveness and accountability of the City's purchasing transactions.

The Finance Department recommends approval of the resolution.

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

At 5:10 p.m., Mayor Martin announced a ten minute break.

FAIR HOUSING LAWS

Mr. Marvin Vierra, Community Development Director, gave a brief review of federal, state, local fair housing laws and local enforcement program.

Mr. Vierra said that the North Carolina General Assembly passed legislation in 1985 (Chapter 776) authorizing the City of Asheville to enforce the State Fair Housing Act (Chapter 41A of the N.C. General Statutes). The City Council created the Asheville Fair Housing Commission on October 15, 1985, with passage of Ordinance No. 1539. On April 28, 1987, the City of Asheville's Fair Housing program was certified by HUD on being substantially equivalent to those of the Federal Fair Housing Act. The fair housing program has been administered under contract by the Asheville-Buncombe Community Relations Council since January 1988. The program became a joint City/County program on September 18, 1990, with the passage of Ordinance No. 1876. The Community Relations Council provides staff support to the Asheville-Buncombe Fair Housing Commission under contract with the City and County.

Mr. Robert Smith, Director of the Asheville-Buncombe Community Relations

Council briefly reviewed the charge of the Community Relations Council by stating that it performs community outreach through education

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and testing programs and investigates discrimination cases concerning real estate transactions.

Vice-Mayor Field voiced concern regarding zoning changes in the proposed Unified Development Ordinance and whether those change would hamper the Fair Housing Program. She felt it would be interesting to see how other cities have dealt with that concern. She asked staff to have information available showing that well planned multi-family housing in an area can actually increase property values.

Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition, stated that the Coalition does have concerns with some zoning designations in the proposed Unified Development Ordinance on rental units.

REQUEST CONCERNING ASSISTANCE WITH THE CHARLOTTE STREET SMALL AREA PLAN

Mr. Mike Matteson, Urban Planner, said that staff is providing an update regarding a previous request that the AIA North Carolina Urban Design Assistance Team be brought in to assist with the Charlotte Street Small Area Plan.

On November 19, 1996, the chairman of the Charlotte Street Advisory Committee and staff asked council to consider allowing the city to request assistance from the AIA North Carolina Urban Design Assistance Program on the small area plan. This request was in response to the committee's desire for broad citizen participation, the ability to visualize alternatives, and the incorporation of design as an aspect of the planning process.

City Council tabled this issue because they wanted more information regarding the costs involved with hosting a design team and regarding how the money could be raised.

Staff has since discovered that the costs associated with hosting a UDAT would be significantly higher than first anticipated. The total costs to the community would be between \$30,000 and \$50,000. In light of this discovery, the committee now feels that hosting a design team would be cost prohibitive. Therefore, the advisory committee and staff are no longer pursuing the UDAT's assistance with the plan.

As an alternative to bringing in the Urban Design Assistance Team, staff has proposed modifying our original process to include holding our own two to three day workshop/charrette from which the plan would be drafted. This alternative would be very similar to the UDAT at a fraction of the cost. We are confident that there are professionals (both locally and from outside the city) from a variety of disciplines that will be willing to volunteer their time to assist us with this process.

This alternative would still involve some fundraising by the committee/community. However, the total costs would likely be in the \$2,000 to \$3,000 range and the committee is confident that they can raise these funds for the workshop/charrette.

Staff recommends approval of the alternative proposal of a modified process for a two to three day workshop/charrette with the necessary funds raised by the committee.

Councilman Skalski asked if City Council would be willing to consider a cash match if the Committee cannot raise the entire amount necessary for the workshop. He felt that once the Charlotte Street

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Small Area Plan is implemented, it will bring the City a very good tax return, especially since the infrastructure on Charlotte Street is already in place.

Mayor Martin and Councilmen Cloninger and Worley said that if the Committee cannot raise the money, they need to come back to Council and then Council can consider the options available. They noted, however, that City Council is very supportive of the Charlotte Street effort.

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

CLOSED SESSION

At 6:03 p.m. Councilman Worley moved to go into closed session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. The parties in the lawsuits with respect to which the Council expects to receive advice are: The City of Asheville, City Board of Adjustment, Taylor and Murphy Construction Company, William H. Anthony and Elizabeth H. Anthony, and Hiram S. Cody. The statutory authorization is G.S. 143-318.11 (a) (3). This motion was seconded by Vice-Mayor Field and carried unanimously.

At 6:45 p.m. Councilman Worley moved to come out of closed session. This motion was seconded by Vice-Mayor Field and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:45 p.m.

CITY CLERK MAYOR
