

Tuesday - July 20, 1999 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Vice-Mayor Edward C. Hay Jr.

CONSENT:

Budget Amendment re: Water Major Capital Improvements Fund

Summary: The consideration of a budget amendment, in the amount of \$416,598, to amend Capital Project Ordinance 82-25 (35 Fund - Water Major Capital Improvements Fund) to fund the remainder of the 1998/1999 Water Distribution System Improvements.

By Resolution 82-25 dated October 5, 1982, the Regional Water Authority authorized and budgeted for various capital projects to be funded by Investment Earnings, Contributions From Other Funds, and Appropriated Fund Balance.

Funds in the amount of \$597,920 were approved in the FY 1998/1999 FY Water Operating Budget (30 Fund) to be transferred to the Water Major Capital Improvements Fund (35 Fund) to fund capital improvement projects. On October 20, 1998, the Authority approved the transfer of \$180,962 from the Operating Budget (30 Fund) to the 35 Fund for the following projects: Relocation of Pesticide Mixing Stations (\$33,000), Lee Street/Prospect Street Water Main Replacement (\$33,000), Monroe Street Water Main Replacement (\$25,000), and the first payment of the NCDOT US 70/74 Tunnel Road/Haw Creek Water Line Relocation Project (\$89,962).

The remainder of the FY 1998/1999 Water Distribution System Improvements needs to be funded at this time. These projects total \$416,598 and include the following:

- An additional \$42,000 for Monroe and Maxwell Streets that was under-budgeted.
- \$50,000 for Water System Improvements to Reconcile Existing Conflicts with MSD.
- \$289,958 for Matching Funds for State \$3 Million Grant
- \$35,000 for Telemetry Upgrades to South Buncombe and East Asheville Pump Stations

Staff recommends approval of a budget ordinance amending Capital Project Ordinance 82-25 (35 Fund) to reflect the addition of a portion of the Contribution From Other Funds - Fiscal Year 1998/99 in the amount of \$416,598.

Budget Amendment re: State Grant for Haw Creek Park

Summary: The consideration of a budget amendment, in the amount of \$69,000, from the N.C. Department of Environment and Natural Resources, for the construction of the next phase of Haw Creek Park.

The City recently applied for and received approval for a grant from the N.C. Department of Environment and Natural Resources. The grant is in the amount of \$69,000 and is designated for the development of the Haw

Creek Park.

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The development of Haw Creek Park represents the City of Asheville and the Haw Creek Community Association's long term goal to build a park in the Haw Creek neighborhood. The park is a collaborative effort between the City of Asheville and the Haw Creek Community Association, who has committed to raise \$40,000 to assist with construction of the park. Haw Creek Park will be a passive park located on approximately 6.2 acres at Beverly and Avon Roads, and will serve as a major destination along the proposed Haw Creek Greenway. Park features include a trail, picnic shelter, and paved parking. The grant funds will be used to add a toddler playground, a second picnic shelter, rest rooms, interpretive signage, and landscaping.

The Parks and Recreation Department recommends the City of Asheville accept the grant funds on behalf of the Parks and Recreation Department for construction of the next phase of Haw Creek Park.

Budget Amendment re: Community Association Grant for Haw Creek Park

Summary: The consideration of a budget amendment, in the amount of \$25,000, to appropriate funds donated from the Haw Creek Community Association for the construction of the next phase of Haw Creek Park.

The development of Haw Creek Park represents the City of Asheville and the Haw Creek Community Association's long term goal to build a park in the Haw Creek neighborhood. The park is a collaborative effort between the City of Asheville and the Haw Creek Community Association, who has committed to raise \$40,000 to assist with construction of the park. At this time, the Association is giving a portion of the funds to the City of Asheville in the amount of \$25,000. Haw Creek Park will be a passive park located on approximately 6.2 acres at Beverly and Avon Roads, and will serve as a major destination along the proposed Haw Creek Greenway. Park features include a trail, picnic shelter, and paved parking. The donation will be used to assist in the addition of a toddler playground, a second picnic shelter, rest rooms, interpretive signage, and landscaping.

The Parks and Recreation Department recommends the City of Asheville accept the donation on behalf of the Parks and Recreation Department for construction of the next phase of Haw Creek Park.

French Broad River Park Phase IV Planning & Design

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with WK Dickson for the planning and design stage of the development of the French Broad River Park - Phase IV.

This 32 acre tract of land is located along the French Broad River adjacent to Amboy Road. City Council directed staff to develop this donated property for recreational purposes. Consequently, a site plan is the necessary first stage of development. A request for qualifications was sent for this initial stage which entails inventory and analysis, program development, conceptual master plan, public meetings, cost estimates and a final master plan which will include drawings and written documents. The City received responses from eight firms interested in the proposed scope of work.

These products will be comprehensive enough to lead into the second stage, construction drawings and specifications. The review team was comprised of members from the Parks and Recreation Advisory Board, Riverlink, interested citizens and staff. The interview team selected the top firm, WK Dickson, for this stage of the project through the request for qualification procedure. The aforementioned scope of services will be provided by the -3-

consultant for \$61,500 (master plan \$36,500, engineering \$10,000, architecture \$15,000). The funding for this project will be the \$75,000 from this years lease of the Asheville Motor Speedway.

The Parks and Recreation Department recommends that City Council authorize the City Manager to enter into a contract with WK Dickson for the planning and design stage of the development of the French Broad River Park - Phase IV.

Intent to Convey Twin Springs Subdivision to Habitat for Humanity

Summary: The consideration of a resolution authorizing the Mayor to dispose of 12.353 acres of City-owned real property, identified as Twin Springs Subdivision, by private sale to Asheville Area Habitat for Humanity Inc.

On August 19, 1997, the City of Asheville and the Asheville Area Habitat for Humanity, Inc. entered into a Memorandum of Understanding to develop a 12.353-acre tract of unimproved land on Broadview Drive within the City limits. The City agreed to construct infrastructure improvements, including water, sanitary sewer, storm drainage, streets and sidewalks, curb and gutter, electric, telephone, cable, street lighting, and minor landscaping. Upon completion of the infrastructure improvements, the City committed to transfer title of the property to Habitat at no cost. Habitat will construct 34 affordable housing units to be occupied by income-eligible families, and will transfer title of the individual real property to the qualified family when construction is completed. Habitat will provide construction and permanent mortgage financing for all homes within the subdivision.

The infrastructure has now been completed and the property subdivided into 34 lots. The property is ready for conveyance to Habitat.

Community Development staff recommends adoption of the resolution to dispose of the property.

Update on Parking Study Recommendations

Summary: City staff will update City Council on the current status of the Parking Study Implementation Team.

The City's Comprehensive Parking Study was adopted by the City Council in December 1998. The study made approximately 60 recommendations for potential changes that would improve parking issues within the City. In addition, a few other recommendations were made by other groups including the Asheville Downtown Association and the Implementation Team itself. A total of 65 recommendations have been incorporated into a single Status Report Spreadsheet. This spreadsheet is used to track the Implementation Team's progress on evaluating and implementing the recommendations. The Implementation Team will provide updates like this one to the City Council twice each year; once in July and once in December.

Most of the items that were scheduled to be near completion by July 1999 are operational issues to be worked on by the Finance Department. Several items have been evaluated and implemented. These include: raising on-street parking rates downtown, adding lighting to the Civic Center Garage, free parking overnight in garages for downtown residents, and increasing number of monthly parkers in the Wall Street and Civic Center garages. Several other parking operations issues have been evaluated but not implemented at this time due to budget constraints. The spreadsheet outlines the work being done by employees from several departments to implement many of the remaining recommendations.

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Staff is presenting this request to update City Council regarding the status of the Parking Study Implementation.

2000 Big South Conference Basketball Tournament

Summary: Tom Hunnicutt, Athletic Director at UNCA, has requested a monetary contribution in support of the 2000 Big South Conference Basketball Tournament. Last year the City donated \$10,000 toward the conference. This year's tournament is expected to be even bigger and will once again receive national television coverage. Supporting the Big South Conference Basketball Tournament is an excellent method for the City to showcase Asheville to visitors, as well as to support our local member university of the Southern Conference.

Staff recommends that Council approve a transfer from the General Fund Contingency to provide financial support to the 2000 Big South Conference Basketball Tournament.

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

HILLCREST PEDESTRIAN BRIDGE UPDATE

Mr. Marshall Logan, member on the Housing Authority Board of Directors, briefed City Council on a historical synopsis of the Hillcrest Focus Group, which was formed after the NC Dept. of Transportation, which owns the Hillcrest Pedestrian Bridge, stated that the agency would follow City Council's wishes on whether to open or keep the bridge closed. After several meetings, the Group's list of priorities was (1) develop on-going activities for youth in the community; (2) increase police protection and safety education; (3) establish a focus group of citizens and housing development residents to work together in a cooperative fashion to do problem-solving concerning social, economic, and cultural diversity; (4) improve bus service and address alternative solutions to crossing the highway; and (5) establish clean-up campaigns and other community buy-in projects. The Group is addressing the problems through education and community projects, some of which are (1) bus service; (2) drug prevention carnival; (3) Asheville Residents Government Unified Strategy (ARGUS TEAM); and (4) proposals for summer activities.

Councilman Tomes appreciated the work of the Focus Group and related an experience about how collaborative efforts can make a difference.

Executive Director of the Housing Authority David Jones responded to an inquiry from Councilwoman Field about what the Housing Authority is doing regarding playgrounds and programs for the youth.

Mayor Sitnick suggested Mr. Logan meet with Parks & Recreation Director Irby Brinson and discuss the City's Summer Youth Program and how the City can help support the work of the Focus Group with regard to their first priority of developing on-going activities for youth in the community. She also suggested that perhaps other groups, such as the West Asheville Business Association, the Chamber of Commerce, etc., might be interested in attending a meeting such as this as well.

With regard to the Hillcrest Pedestrian Bridge, Mr. Logan said that the Focus Group felt that even though the opening and/or closing of the Bridge is a concern, they have other priorities that are much greater.

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Transportation Planner Ron Fuller said that there is an opportunity for the City to apply for a grant from the State for enhance projects, such as security, lighting, trimming, etc. He did note that there are many projects in the City that this enhancement dollars could be used for, however, a committee in Raleigh will be prioritizing the programs. Mayor Sitnick encouraged Mr. Fuller to apply for these funds.

UPDATE OF WEST ASHEVILLE RESOURCE CENTER AND LIBRARY ANNEX

Mr. Irby Brinson, Director of Parks & Recreation, said that the Parks and Recreation Department and the Police Department are continuing the development of the West Asheville Resource Center located in the upstairs portion of the City-owned building at 970 Haywood Road.

For several months, the Parks and Recreation Department, the Police Department, and several members from City Council have been working towards finding an alternate location for the Community Resource Center which is currently located at 45 Haywood Road. The current lease for this space at 45 Haywood Road has expired. As reported at the April 20 worksession, and approved at the April 27 formal City Council meeting, City staff has been working towards the renovation of a portion of the City-owned complex located at 970 Haywood Road, which will house the West Asheville Resource Center. All permits for this renovation have been secured and work on upfitting the facility began July 12. The total estimate for this renovation is \$15,000 which will allow for the facility to meet all necessary building and ADA code requirements. He explained the current building renovation layout. The configuration represents a total of 1,265 sq. ft. with approximately 590 sq. ft. used by the Police Department leaving approximately 675 sq. ft. for open space to be used jointly by the occupants.

He showed Council a plat of property adjacent to the current West Asheville Complex and the new library. The area represents approximately 5,400 sq. ft. and is valued at \$5 per sq. ft. based upon information provided by Ed Vess of Community Development Division. The original discussion concerning the City's participation in the proposed expansion of West Asheville Library included donating this property to the County in order to build this addition.

Mr. Brinson noted that the property is currently zoned Institutional District and would require a side setback of 10 feet.

The Parks and Recreation Department and the Police Department are updating City Council on the progress of the development of the upstairs portion of the City-owned building located at 970 Haywood Road for a Community Resource Center.

EAGLE/MARKET STREET UPDATE

Ms. Charlotte Caplan, Community Development Director, said that the City of Asheville and the Eagle/Market Streets Development Corporation ("EMSDC") developed a Strategy for the Block in May and June of 1999 to identify practical steps that are being or can be taken within the next two years to revitalize the area known as the Block, or South Pack Square, or the Eagle/Market Street area. She explained that the Strategy for the Block: sets out recent, current, future initiatives; is not a full-scale plan; does not require formal approval; is achievable within resources available; is dynamic; and is not the whole situation.

Goals in the strategy include: (1) to include the Block in the economic revitalization of downtown Asheville; (2) remove negative influences: drug-dealing, drug use, public drinking, gambling, prostitution, littering; (3) rehabilitate derelict buildings; (4) develop economically and socially beneficial activities: retail businesses, restaurants (not bars); offices; apartments; -6-

service organizations; cultural activities; festivals; recreation programs; and (5) maintain to the greatest possible extent the historically African-American character of the Block.

Issues the Block has to contend with: include (1) location, (2) physical deterioration; (3) perceptions: "unsafe" unsuitable for investment"; (4) opposition to improvement initiatives; (5) lack of effective partnerships; and (6) lack of organizational capacity.

Ms. Caplan then listed the following stakeholders: Eagle/Market Streets Development Corporation; Mt. Zion Missionary Baptist Church; Mt. Zion Community Development Corporation; YMI Cultural Center, New Hope

Community Health Center; Merchants Action Coalition; other businesses and property owners; Downtown Ministers Association, and the City of Asheville.

She then outlined the objectives and action steps of each of the following action areas: (1) building partnerships and capacity; (2) restoring the physical fabric; (3) bringing the people back; and (4) providing services.

She said that measurable objectives include: (1) construction permits - number and value per year; (2) buildings in standard condition without code violations - number; (3) building occupancy - percentage of building space in use; (4) housing units created - number; (5) businesses established - number; (6) jobs created - number; (7) police incident reports - number per month; and (8) long term increase in tax values - value.

Ms. Elizabeth Russell, Director of the EMSDC, invited City Council members to the Learning Lunches in the Park on the Block that include topics such as (1) Get Involved, For Your Community; (2) Get A Job/Help Someone Find a Job; (3) Get Organized, Financially; (4) Get Crime-Proof, Personally; and (5) Get Reasonable Doubts.

On behalf of the City Council, Mayor Sitnick thanked all the people who participated in this strategy and that this is a wonderful opportunity for the African-American community to create a significant contribution to the economic development in this community.

REVISIONS TO THE RIGHT-OF-WAY CUT PERMIT ORDINANCE

Ms. Cathy Ball, City Engineer, said that this is the consideration of an ordinance to revise the public right-of-way cut ordinance.

The purpose of revising the right-of-way cuts ordinance is threefold (1) the Public Works Department was responsible for administering this program, however, in 1995 this program was moved to the Engineering Department; (2) to clarify the responsibilities and requirements of the permittee in obtaining a permit when they plan to cut into a City or State right-of-way in the City; and (3) to establish an appeal process for permittee's to appeal fees and fines.

These revisions have been reviewed by the Utility Coordination Committee. They initially had some concerns. The draft ordinance presented to you addresses all of their concerns.

The fee schedule was approved by City Council during the budget process.

City staff requests City Council adopt the revisions to the right-of-way cut permit ordinance.

Ms. Ball responded to questions from Mayor Sitnick about how curb cuts and right-of-way cuts are being addressed with regard to stormwater run-off.

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Mayor Sitnick and Councilwoman Field said that they would be happy to share some information they have relative to pervious parking lots.

Mayor Sitnick 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.

POLICY REGARDING THE CONTINUANCE OF ZONING PUBLIC HEARINGS PREVIOUSLY SCHEDULED ON THE CITY COUNCIL AGENDA

City Attorney Oast said that City Council has instructed him to prepare some guidelines on continuation of land use public hearings. He reviewed those draft guidelines as follows, stressing that City Council should reserve for itself the right to exercise its discretion with respect to the continuance of any matter:

Application/Scope:

Any land use matter for which a public hearing before City Council is required by statute or ordinance. This would cover zonings, rezonings, and conditional uses, and possibly certain text amendments requested by citizens.

Applies to requests for continuance by the applicant.

Form of Request/Motion

I. In order to receive favorable consideration:

- Requests should be submitted to the City Clerk and Planning staff in writing at least two full business days in advance of the day scheduled for the public hearing. In most cases, this would require submission by 5:00 p.m. on Thursday. (This is the same as for protest petitions.)

- Must attempt to notify all persons on Planning's notification mailing list, and document efforts. Planning staff can follow up with spot check. At the very least, must notify adjacents and any designated neighborhood organization spokesperson.

- A reason for the request should be provided, but need not be compelling (more time needed, unavailability of information, etc.)

- No previous continuances before other boards (Planning & Zoning, Technical Review Committee, etc.)

Favorable consideration will take the form of a recommendation by staff, based on compliance with the procedures outlined above.

Continuance requests complying with the procedure outlined above may be granted without hearing, except as to the date to which the matter will be continued.

II. Continuance requests not complying with the procedures outlined above will be considered by the Council without a recommendation by staff. Factors to be considered include, but are not limited to:

- Compelling nature of reason (death in family, incapacity to proceed, etc.)

- Actual notification of persons on notification list

- Objections from other parties (or consent, for instance if a compromise is possible)

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Council may hear from the applicant as to continuance requests not qualifying for favorable consideration, and if there are objections, will hear public comment on the question of the continuance.

General Guidelines

- Second or subsequent requests for continuance are not favored.

- Requests for continuance by other than applicant will be considered by Council without recommendation.

- Continuance requests or motions will be taken up at the beginning of Council meetings along with additions or amendments to agenda.
- These guidelines are not applicable to matters initiated by City staff, City Council or a board or commission.
- Council reserves for itself the right to exercise its discretion with respect to the continuance of any matter.

Other Points

- Recommendations as to guidelines for continuance of land use matters at other boards and commissions (Historic Resources Commission, Technical Review Committee, Planning & Zoning Commission, Board of Adjustment)
- Delegating some continuance authority to Planning staff (Director). This may require a change in the ordinance and rules.
- Do not adopt as policy or rule; tends to limit discretion.
- The Unified Development Ordinance may require action on some items within a prescribed time. This limitation mainly affects boards other than Council, but could be a consideration.

Councilman Cloninger felt that the purpose of the guidelines is worthwhile, however, even if the request is made, the party making the request and the neighborhood will not know for sure whether the hearing was continued and would still have to come to the City Council meeting. He wondered if we are adding more red tape to the process without actually accomplishing the purpose of having people unnecessarily come to the hearing.

Councilman Tomes agreed with Councilman Cloninger but felt that it was a good idea to consider the continuance requests at the beginning of the meeting.

After discussion about the infrequency of the number of continuance requests received and whether to delegate the authority to City staff to make those continuances, it was the consensus of City Council to consider any continuance requests after the proclamations and only if a continuance request has been made.

Mayor Sitnick suggested City Council possibly reconsider adopting the guidelines after further review.

APPROVAL OF MAYOR'S ROUNDTABLE ON DOWNTOWN

Ms. Terry Clevenger, Marketing Coordinator, said that this is the consideration of approval of the Mayor's Roundtable being held on Thursday, September 23, 1999, at 7:00 p.m. in the Public Works Building.

Mayor Leni Sitnick has requested that the next Mayor's Roundtable be held to discuss downtown issues. On June 10th, Police Chief Will Annarino, Lt. John Kirkpatrick, Robin Westbrook and I met with representatives of several downtown organizations to discuss how best -9-

to organize the roundtable to achieve optimal results. Invited to this meeting were representatives of the Downtown Commission, the Downtown Association, the Merchant Action Coalition, the Homeless Coalition, Eagle/Market Street Redevelopment Corporation, and Quality Forward.

These groups unanimously requested a roundtable that was focused on managing the success of downtown and envisioning the future of downtown. They wanted to ask certain key questions of the participants, such as, "What kind of community are we building?," "What do you love about downtown," "What are your

concerns about downtown." This will be done in small groups with answers to these questions being used in the future Center City Plan.

It was requested that the roundtable take place in September, following the summer season. It is staff's recommendation that the next Mayor's Roundtable be held Thursday, September 23, 1999 at 7:00 p.m. in the Public Works Building.

City Manager Westbrook advised City Council that their next available community meeting date is August 31, 1999, and according to the schedule should be held in the Central area. He suggested that if the meeting is held on that date that it be held in the Public Works Building at 7:00 p.m. He also said that the Mayor is considering a roundtable on youth in October.

After considering the three upcoming meetings and due to a conflict of Mayor Sitnick on September 23, the City Manager was instructed to bring back some dates in October (preferably a Thursday in October, but not October 14) in which the roundtable on downtown issues could be held .

REPORTS ON BOARDS AND COMMISSIONS

Councilwoman Field briefed City Council on the Kenilworth sewer line project.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 5:15 p.m.

CITY CLERK MAYOR
