

Tuesday - September 21, 1999 - 2:40 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger (arrived at 2:45 p.m.); Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; Assistant City Manager S. Douglas Spell; and City Clerk Magdalen Burleson

Absent: City Manager James L. Westbrook Jr.

CLOSED SESSION

At 2:40 p.m. Councilman Cobb moved to go into closed session to establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in G. S. 143-318.11 (a) (5). This motion was seconded by Councilman Sellers and carried unanimously.

At 3:00 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Cloninger and carried unanimously.

CONSENT:

Public Auction

Summary: The consideration of a resolution authorizing the Purchasing Director to dispose of City-owned personal property by public auction.

The resolution authorizes the City's Purchasing Division to hold a public auction to dispose of motor vehicles, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction is to be held Saturday, October 16, 1999, at 10:00 a.m. in the Public Works Complex, 161 S. Charlotte Street.

City staff recommends City Council approve the resolution authorizing the Purchasing Director to dispose of City-owned personal property by public auction.

Fire Station #4 Roof Replacement Contract

Summary: The consideration of a resolution authorizing the City Manager to enter into a roof replacement contract for Fire Station #4 on 300 Merrimon Avenue.

In an effort to maintain City facilities, City staff, through the capital improvement process, has determined Fire Station #4 at 300 Merrimon Avenue requires roof replacement. City staff solicited sealed bids from seven Roofing Contractors, three of which were minority contractors, to supply and install a new roofing system. City staff received bids from three qualified bidders which are as follows:

Construction Advantage, Inc. \$34,474.00

Service One, Inc. \$37,070.00

Stroup Sheet Metal Works, Inc. \$41,480.00

City staff has reviewed all bids and determined that Construction Advantage, Inc. is the lowest bidder and, therefore, recommends acceptance of the base bid amount of \$34,474.00. -2-

Approved funding is available in the capital improvement project account to pay for this roof replacement for Fire Station #4.

The Parks and Recreation Department requests City Council authorize the City Manager to enter into a contract for \$ 34,474.00 with Construction Advantage, Inc., for this project.

Hawthorne Village Resurfacing Agreement

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Asheville Paving Company to resurface streets located in Hawthorne Village Subdivision in Asheville, North Carolina.

The City is in need of a contractor to provide paving and resurfacing services for streets in Hawthorne Village Subdivision. In accordance with N.C. Gen. Stat. sec. 143-131, informal bids for paving and resurfacing services were solicited and three responses were received. The bidders are listed below:

Company Bid

Asheville Paving Company \$43/Ton

(not to exceed \$47,000)

Tarheel Paving Inc. \$47/Ton

Lonesome Mountain Paving Company \$57/Ton

Asphalt Unlimited \$50/Ton

Funding for this project has already been allocated in the Public Works Department's Capital Improvement budget.

The Public Works Department staff recommends City Council adopt the Resolution Authorizing the City Manager of the City of Asheville to enter into contract with Asheville Paving Company to resurface roads in Hawthorne Village Subdivision.

FAA Grant Agreement

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to exceed \$1,076,956. This grant consists of the following projects: Y2K Verification, Master Plan Update, Wildlife Fencing, ARFF Road and Perimeter Security Road - Phase I.

Application for Elderly and Disabled Transportation Assistance Program Grant

Summary: The consideration of an application for a \$20,700 grant of state money routed through Buncombe County for transportation of elderly people to recreation programs in the area.

The City of Asheville has applied for \$20,700 for use in transporting elderly persons for recreational purposes. The Parks and Recreation Department will use this money for nutrition programs and additional transportation to events for seniors. These events include such things -3-

as a Labor Day picnic, in conjunction with the Council for Aging at Lake Julian and the UNC-A Holiday

Concert at UNC-A Campus. These are new trips which the Department has not provided prior to this grant.

The Grant will take the form of a credit when applicable to costs incurred through the use of Mountain Mobility, and disbursements to the City when and if other transportation sources are used. This grant requires no matching amount on the part of the City.

City staff recommends City Council authorize the City Manager to apply for and enter into an agreement with Buncombe County for a grant to transport elderly people to recreation programs in the area.

Acceptance of Street Names in Twin Springs Subdivision

Summary: The consideration of a resolution accepting the new proposed street names of McTindal Circle, Oaken Court and Peeler Drive located in Twin Springs Subdivision.

The City of Asheville Community Development Division, owner of all lots in Twin Springs Subdivision, located on Broadview Drive in Oakley, has petitioned City Council to adopt the new street names of McTindal Circle, Oaken Court and Peeler Drive.

Community Development staff recommends adoption of the resolution accepting the new proposed street names of McTindal Circle, Oaken Court and Peeler Drive located in Twin Springs Subdivision.

Dedication to Public Use the Streets and Easements of Twin Springs Subdivision

Summary: The consideration of a resolution authorizing the Mayor to dedicate to the public use streets and easements on the plat for Twin Springs Subdivision.

The City of Asheville is the owner of record of a 12.353-acre tract of unimproved real property on Broadview Drive within the City limits. Prior to recordation of the final subdivision plat, the City of Asheville must dedicate to public use the streets and easements as shown on the plat.

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 water drainage, streets and sidewalks, curb and gutter, electric, telephone, cable, street lighting, and minor landscaping. 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 housing construction is completed.

Community Development staff recommends adoption of the resolution to dedicate the streets and easements in Twin Springs Subdivision to public use.

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

BUNCOMBE COUNTY ZONING ORDINANCE

Mr. Jim Coman, Buncombe County's Zoning Administrator, reviewed with City Council the proposed zoning ordinance for Buncombe County. He explained that the County -4-

Commissioners are holding various meetings around the County to explain the ordinance. He said the proposed ordinance is based very heavily upon the Limestone Township zoning ordinance. He reviewed with Council a map showing various land use restrictions that are already in place in Buncombe County, noting that well over 1/3 of the County has some sort of land use regulation already in place, whether by zoning,

watersheds, current County zoning or the federally owned lands. He then reviewed with Council the zoning map the County is proposing. He said the proposed Rural Use District, which comprises of 91% of the County's jurisdiction, is probably the most permissive of various zoning districts in terms of what is allowed. He said that the zoning districts as well as the text of the proposed zoning ordinance are susceptible to change. He said they have tried to be cognizant of all the recommendations in the County's land use plan.

Upon inquiry of Councilman Cobb, Mr. Coman said that they have scheduled one meeting in the City of Asheville at Asheville High School on Tuesday, September 28, 1999, beginning at 7:00 p.m.

Mayor Sitnick said that she would send a formal request to the County asking if they could schedule another meeting (just concerning the zoning ordinance) in the City of Asheville on a different day so as not to conflict with the City Council regular meeting schedule.

Upon inquiry of Councilwoman Field, Mr. Coman said that the City will maintain the existing zoning in the extraterritorial jurisdiction.

Upon inquiry of Mayor Sitnick, Mr. Coman said that there has been a County Planning Board since 1994 and a Board of Adjustment since 1982. City Attorney Oast said the City is required by statute, since we do have extraterritorial jurisdiction, to have some representation from the County on the Board of Adjustment and the Planning & Zoning Commission.

Councilman Cloninger noted that City of Asheville residents pay County taxes as well and felt it made perfect sense that City residents should be allowed to vote on the proposed zoning ordinance.

City Planning & Development Director Scott Shuford said that the most significant implication for the City of Asheville resulting from Buncombe County zoning is that the land use patterns in the immediate vicinity of our City limits will become more stabilized as County land use requirements and development standards (height, parking and setbacks) are imposed. This will allow the City to better plan their own land use patterns in these areas, as well as program multi-jurisdiction infrastructure improvements. Because of this, he was highly supportive of the proposed County zoning ordinance. It is a major step forward and provides the City with planning and capital improvement investment opportunities that have not previously existed. Additionally, the County ordinance achieves brevity and clarity through the use of tables for dimensional requirements and uses; he believes our regulations can benefit from a similar approach.

At the request of Mayor Sitnick, Mr. Coman said that he would furnish City Council with black and white copies of the maps.

It was the consensus of City Council to review the proposed County zoning ordinance and then, if appropriate, adopt a resolution far enough in advance of the election date to show the residents were City Council stands on this issue.

EDUCATIONAL ACCESS CHANNEL OPERATING GUIDELINES

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Councilman Cobb said the cable franchise agreement adopted by City Council designates three initial access channels to be used for public, educational and/or government programming. In March 1999, City Council approved Ordinance No. 2554 establishing an Educational Access Channel Commission to oversee the development of the educational access channel. The ordinance requires that operating guidelines for the educational access channel be approved by Asheville City Council. At their August 11, 1999, meeting, the Educational Access Channel Commission unanimously approved the operating guidelines. As of September 20, 1999, the Education Channel is operating

Mr. Tim Amos, Chairman of the Educational Access Channel Commission, said the Commission also unanimously approved an overview, mission & objectives statement. The operating guidelines and the overview, mission & objectives statement are both based upon information gathered from the guidelines and operating policies of access channels in other communities as well as input from Commission members, City staff, and Asheville City Council.

Upon inquiry of Mayor Sitnick, Mr. Amos said that even though the public has not had any input into the guidelines, all meetings of the Commission were held in open session. He felt that City Council should review the guidelines first. Mayor Sitnick noted that the public would have an opportunity for input at the formal meeting on September 28, 1999, when City Council considers adoption of the guidelines.

When Mayor Sitnick was concerned that there was no one on the Commission representing the diversity of the community, e.g., the Spanish community, Mr. Amos said that all Commission members are educators or involved in education and assured City Council that there will be an effort to reach out to everyone in the community for diverse language programming. Mr. Jeff Reble, Cable Access Coordinator, said that he would furnish City Council with a list of Commission members.

At the request of Councilwoman Field, Mr. Amos said that he would be happy to send some proposed budget information to City Council.

Upon inquiry of Mayor Sitnick, Mr. Amos said that the guidelines contain language that reads "At no time shall coverage of athletic events or activities exceed 40 percent of available programming hours."

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.

ESTABLISHMENT OF GREENWAY COMMISSION

Mr. Irby Brinson, Director of Parks and Recreation, said that this is the consideration of an ordinance to establish a Greenway Commission to serve in an advisory capacity for the development of greenways in Asheville.

On October 13, 1998, City Council adopted the Greenway Master Plan for the City of Asheville. Part of that plan included the establishment of a Greenway Commission to serve in an advisory capacity within the City. This ordinance will establish a Greenway Commission made up of interested citizens to promote the establishment of linear park areas known as greenways. The Commission shall consist of seven members. The Executive Director of Quality Forward, Executive Director of Parks, Recreation and Greenway Foundation, Executive Director of RiverLink, and Chair of the Parks and Recreation Advisory Board will serve as ex-officio members of the Commission. Members of the Commission will serve three year staggered terms. In addition, this ordinance will split the greenway function from the Asheville Tree and Greenway Commission, establishing the Asheville Tree Commission as a separate -6-

entity from the Greenway Commission. The purpose of the Greenway Commission will be to recommend updates of the Greenway Master Plan, foster communication and coordination among citizens of the City for acquisition and development of greenways, identify potential sites to be acquired, and conduct research, planning and feasibility assessments to support the Greenway Commission. The Greenway Commission will report to the Parks and Recreation Director. The Greenway Commission will establish monthly meeting times and dates to conduct their business.

City Council will determine who on the Asheville Tree and Greenway Commission will serve on the Greenway Commission and will appoint additional members as needed to both Commissions.

The Parks and Recreation Department staff is requesting City Council's approval of an ordinance

establishing the Greenway Commission.

After discussion about the number of members on each commission, it was the consensus of City Council to appoint seven members to the Tree Commission and seven members to the Greenway Commission (in addition to the ex-officio members on both commissions).

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.

PRESENTATION OF TRANSPORTATION IMPROVEMENT PLAN PRIORITIES

Mr. Ron Fuller, Transportation Planner, said that this is the consideration of authorizing City staff to submit the Priority Needs List to the Technical Coordinating Committee and the Transportation Advisory Committee.

He then reviewed the Transportation Improvement Program (TIP) process and explained that the TIP process has now moved to a two year cycle. He said one year is dedicated to establishing priority needs and the second year is to development of the annual State Transportation Improvement Plan and the Local Transportation Improvement Plan.

He explained that the Board of Transportation utilizes this information as they develop the TIP.

Upon recommendation by the Technical Coordinating Committee on October 14, 1999, the draft Priority Needs will be sent out for a required thirty day public review and comment period. The Transportation Advisory Committee will then meet on November 18, 1999, for a public hearing to gather comments and concerns from the public.

The City departments involved in compiling the recommended Priority Needs List consist of the Planning and Development Department, the Public Works Department, the Engineering Department, and the Parks and Recreation Department.

Mr. Fuller then reviewed in detail the following projects on the Priority Needs List:

Accelerated Project

- I-26 Connector (I-2513)

Accelerate the planning, design and construction of the Asheville Connector to match or precede the construction completion schedule of the US 19-23 upgrade to interstate standards. TIP Project E-3608 should be incidental to and incorporated into this project. Staff also recommends that the proposed design for a full interchange at Amboy Road be included as part of the project. -7-

Endorsement of Existing TIP Projects with Request for Changes

- New Bridge on Biltmore over Swannanoa River (B-2515)

Reconsider the concept of constructing a temporary bridge east of Biltmore Avenue to accommodate traffic during construction with the possibility of having the City take over the maintenance as a permanent bridge that will coincide with future development plans. Design of B-2515 should incorporate key elements of existing bridge to duplicate historic details of bridge and improve aesthetics. Lighting on bridge should match those on B-1070.

- Long Shoals Road (R-2813)

Expand the scope of NC 146 (Long Shoals Road) widening project to a multi-lane facility which includes sidewalks on both sides, wide outside lanes for bicycles and a landscaped median. This facility has been identified as a "Gateway Corridor".

- Hendersonville Road (R-2213)

US 25 (Hendersonville Road) between Old Airport Road (in Henderson County) and US 25A (Sweeten Creek Road) intersection. Construct outside lanes a minimum of 14 feet wide on each side of roadway. Install Share-the-Road signs and bicycle safe drainage grates.

- Sweeten Creek Road (U-2801)

Extend the widening of US 25A (Sweeten Creek Road) from SR 3229 to Fairview Road and construct new bridge over Swannanoa River. This project should include, in its entirety, sidewalks on both sides, a landscaped median and wide outside lanes. The FY 1998-2004 NC TIP lists the northerly project terminus at SR 3229 (Project U-2801). This facility has been identified as a "Gateway Corridor." A feasibility study should be conducted to determine the impact on the Biltmore Village area. Accelerate to match construction schedule of entire US 25A project.

- Biltmore Avenue (U-3404)

Recommendation from staff is to delete this project.

- North Louisiana Avenue (U-619)

Staff recommends a feasibility study be conducted and that other alternatives rather than only a four-lane roadway be constructed.

- NC 191 - Brevard Road (U-3404)

This facility has been identified as a "Gateway Corridor" and as such, should include design criteria that is sensitive to the physical environment of the area. Staff recommends a four-lane cross section with a landscaped median, wide outside lanes and sidewalks on both sides of the roadway on the section from NC 112 (Sardis Road) to the Blue Ridge Parkway. From the Parkway to NC 280, additional study should be undertaken to determine the best cross section to meet the demands of the community.

Top Ten Project Requests (in order of City staff recommendations):

- Construct turn lanes at targeted intersections on Merrimon Avenue.

- Widen Weaverville Highway (US 25) from Elkwood Avenue intersection to New Stock Road (SR 1740) to three lanes and resurface with curb and gutters and install appropriate signage.

- Widen Fanning Bridge Road (SR 1358) to include wide outside lanes (14 foot lanes).

- Widen Mills Gap Road (SR 3116) from US 25 to US 25A. -8-

- Widen New Haw Creek Road (SR 2032) between Tunnel Road (US 70) and City limits (2-14 foot lanes).

- Widen, resurface, and realign Riverside Drive (NC 251) between Broadway Avenue and the new Craggy prison with 14 foot lanes to safely accommodate bicycles.

- Widen NC 9 from Third Street in Black Mountain to the Montreat gates with sidewalks on one side.

- Reserve right-of-way and extend Cane Creek Road south from approximately 1,000 feet south of the intersection of Old Airport Road (SR 1547) and Cane Creek Road (SR 1545) to the intersection of Howard Gap Road (SR 1006) and Old Howard Gap Road (SR 1556).
- Improve Beaverdam Road to two 14-foot lanes from Merrimon Avenue to City limits with special consideration to bikes and pedestrians.
- Realign the intersection of Reems Creek Road (SR 1003) and South Main Street (SR 2127) in Weaverville.

Mr. Fuller then displayed examples and discussed the "Gateway Corridor" concept as mentioned in some project recommendations.

City staff recommends City Council authorize City staff to submit their recommendations along to the Technical Coordinating Committee and the Transportation Advisory Committee.

Mr. Fuller said that representatives from the N.C. Dept. of Transportation (NC DOT) will be coming to Asheville for three days next week to meet with City Council, staff, and various neighborhood and business groups. When Mayor Sitnick asked that we make sure that those meetings were well advertised and Mr. Fuller responded that the NC DOT would be doing the advertising, not the City.

Mayor Sitnick hoped that if the widening of New Haw Creek Road occurs, that the intersection where Tunnel Road almost intersects with New Haw Creek Road gets reviewed as well.

Mayor Sitnick and Councilwoman Field felt that even though improving Overlook Road is now no. 11 on our top priority needs list (was no. 2 prior year), traffic calming on that State maintained road is long overdue.

Mayor Sitnick was concerned that this is such a big issue and yet so few people attend the Transportation Advisory Committee meetings. She asked Mr. Fuller to see if he can come up with some ways to better advertise the meetings. Mr. Fuller said that they have just finished a fairly in depth process where NC DOT spent \$60,000 for consultants to design a public involvement process for us. He felt that recommendations from the process will be positive.

Mayor Sitnick said that she had a meeting with Ken Putnam, from the local NC DOT office, about many NC DOT related issues. She requested that sidewalks be installed whenever the NC DOT builds projects. She asked Mr. Putnam to pass on a request to the NC DOT that truck traffic on I-240 be slowed down as it comes through the City. She asked Mr. Fuller to follow-up on her request. She also felt it would be a great idea that her request include that all 18-wheel trucks stay in the right hand lane when travelling through the City. She expressed concern that I-240 is not built to interstate standards and asked Mr. Fuller what could be done to bring that up to interstate standards. She wanted to make sure that the NC DOT knows that City Council cares about signage, signalization and crosswalks whenever they build roads, in addition to the gateway concepts too.

Mayor Sitnick said that with regard to the I-26 Connector, even though City Council did pass a resolution stating that they would like to see the project completed, she personally has a -9-

great desire to see the NC DOT consider a different design that would still require the improvement of the bridge, but may not require eight lanes through West Asheville. She will present to them a different design that has come to her from the public.

Mayor Sitnick asked Mr. Fuller to meet with City Council with any recommendations or changes that he things should be made to the TIP and Council can then send a letter to the TAC in time for them to consider certain suggestions at their meetings.

Councilman Cobb requested the NC DOT be contacted to see if the signalization on Patton Avenue could be reviewed.

Councilwoman Field said that transportation patterns are the key to the growth of the community and thanked Mr. Fuller for his work with the TIP. She explained how important public participation is to the planning of projects.

Mayor Sitnick felt that if the NC DOT can go from six to eight lanes, they should be flexible enough to go from eight lanes to six lanes, if the time changes or community needs change. She stressed we cannot allow the NC DOT to be totally rigid in this community because this is a living, breathing, dynamic community. She felt their new philosophy goes in that direction.

It was the consensus of City Council to review the information presented by Mr. Fuller and place this issue on the October 27, 1999, City Council agenda.

Mayor Sitnick asked that this be placed on the Government Channel to let the public know Council is seeking their input on this very important issue.

RESOLUTION NO. 99-145 - RESOLUTION AUTHORIZING THE MAYOR TO EMPOWER STAFF TO MOVE FORWARD IN THE PLANNING, PURCHASE OF PROPERTY AND DESIGN OF A PARKING DECK IN THE BATTERY PARK AREA

ORDINANCE NO. 2613 - BUDGET AMENDMENT TO HIRE A REAL ESTATE BROKER AND FINANCIAL ADVISOR TO ASSIST IN THE PARKING DECK IN THE BATTERY PARK AREA

Assistant City Manager Spell asked City Council to waive their rules of procedure and vote formally at this meeting because there are some specific activities staff would like to begin on and they feel it is critical that they begin as quick as they can on those.

City Engineer Cathy Ball said that City staff has been working during the past 3-4 months trying to develop some private partnerships with the community in locating a deck and determining how many spaces need to be installed in the deck in the Battery Park area. In doing that, staff has determined that we have a need to have a real estate broker in order to negotiate the agreements and a financial advisor so that we can begin determining the best way to get the money to build the deck. She requested authority from the Mayor to authorize staff to (1) hire a real estate broker to represent the City in negotiations of the land and partnership agreements and appropriate funds for same; (2) hire a financial advisory to assist in developing optimum financing and appropriate funds for same; and (3) develop a Request for Proposals in order to select a consultant to design the parking deck. A budget amendment, in the amount of \$130,000, is also requested in that it is the estimated cost for professional services of a real estate broker and financial advisor.

Councilman Cloninger moved to waive the rules and take formal action at this meeting. This motion was seconded by Councilwoman Field and carried unanimously. -10-

Councilman Cloninger moved to adopt Resolution No. 99-145. This motion was seconded by Councilman Sellers and carried unanimously.

Vice-Mayor Hay further explained that the City has partners that they want to negotiate with and we also have location issues. The action today is getting the professional help we need.

Councilwoman Field agreed that we are not authorizing staff to purchase anything other than engineering or architectural engineering services to get started on a design, if, and when, we get the property and the partners together.

City Attorney Oast stressed that we are authorizing staff to proceed with negotiations, but not the purchase of any land, and to put out a Request for Proposals for engineering services. Also, staff is authorized to obtain options on purchasing land, but that does not obligate the City to purchase the land.

Councilman Cloninger moved to adopt Ordinance No. 2613. This motion was seconded by Councilman Tomes and carried unanimously.

Assistant City Manager Spell said that the revenue source would be the proceeds from Certificates of Participation.

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ORDINANCE BOOK NO. 17 - PAGE

REPORTS ON BOARDS AND COMMISSIONS

Councilwoman Field updated City Council on the MSD issue around the Kenilworth Forest Project.

Councilman Sellers updated City Council on the Mills River Plant which should be operational in mid-October. Assistant City Manager Spell also noted that the Water Resources Department will be proceeding with the Fall Flush to begin in October.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 5:35 p.m.

CITY CLERK MAYOR
