

Tuesday - September 19, 2000 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry Bellamy; 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:**

**Haw Creek Park Restroom/Picnic Facility and Gazebo Bid Award and Budget Amendment to Appropriate Funds from Haw Creek Neighborhood Association**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Carolina Cornerstone Construction to design and implement a restroom/picnic facility and gazebo for Haw Creek Park and a budget amendment to appropriate an additional \$15,000 to this project from the Haw Creek Neighborhood Association.

The City of Asheville is continuing its development of a passive park in the Haw Creek community. Initially the parking lot and paved trails were constructed within this 6-acre park. Funds were then secured from the City of Asheville Capital Improvement Budget, the Parks and Recreation Trust Fund Grant, and the Haw Creek Neighborhood Association to implement the last phase of the project which will include a restroom/picnic shelter, gazebo, playground area, woodland trail, landscaping and interpretative signage. The restroom/picnic shelter and gazebo were designed by Mathews and Associates who also developed the construction documents. These documents were bid out and five general contractors submitted bids. The lowest responsible bidder was Carolina Cornerstone Construction, which is a minority-owned company, in the amount of \$116,750. The entire budget for this park construction was originally \$244,000. Currently, a balance remains in the budget of \$158,474.89.

In addition to the above request, a budget amendment needs to be approved to appropriate an additional \$15,000 to this project from the Haw Creek Neighborhood Association. Originally, the Haw Creek Neighborhood Association agreed to secure \$40,000 in funds towards this project. An appropriation of \$25,000 for this commitment was allocated earlier. An additional \$15,000 allocation will fulfill this Association's total commitment.

The Parks and Recreation Department recommends that the City Manager be authorized to enter into a contract with Carolina Cornerstone Construction for the construction of the Haw Creek Park restroom/picnic facility and gazebo. City Council approval is also recommended for the approval of the budget amendment in the amount of \$15,000 for this project.

Upon inquiry of Vice-Mayor Cloninger, Parks and Recreation Director Irby Brinson said that this project should be completed near the end of December, 2000.

**For Information Only – Bid Award for Grouting of Burnette Tunnel**

Summary: This is a review of the Regional Water Authority's award of a service contract to Conway Enterprises of Mims, Florida, in the amount of \$36,600.00, for injecting pressure grout to plug and stop water seepage through cracks in the concrete tunnel within the Burnette (North Fork) Dam.

The Burnette (North Fork) Dam, as well as the Bee Tree Dam, are carefully inspected annually by an expert structural engineer to insure the safety of these dams. In recent years, this engineer has been Applied Geosciences and Engineering, who has recently merged with and become a part of the firm Schnabel Engineering Associates, Inc. ("SEA"). The structural engineer has reported during recent annual inspections that there are very small seepage cracks in the concrete access tunnel of the Burnette Dam leaching very small volumes of water, but through laboratory analysis, have been free of sediment from within the earthen dam. The engineer had concluded that the dam is very safe but also recommended the seepage cracks be repaired as part of the upcoming Bee Tree Spillway project now scheduled to begin construction in April 2001. The project budget and design also did incorporate this work in the scope for the project.

During the structural evaluation performed by SEA in the spring of 2000, small traces of sediment were found in the samples of the seepage for the first time. The traces are extremely small and provide no immediate danger to the safety of the dam, but the engineer did recommend as a conservative precaution that the grouting work in the Burnette Tunnel be advanced as a separate project and conducted in the fall of 2000. Bid specifications and bidding to perform this work has been conducted since this recommendation was accepted by the Director of Water Resources. Specifications have also been approved by the State of North Carolina Land Quality Section.

SEA received three bids on August 30, 2000, and has evaluated all bids for compliance with the specifications and qualifications to perform the work. A summary of the bids received are as follows:

Conway Enterprises, Mims, Florida	\$36,600.00
Edwin Bradley Construction, Paris, Kentucky	39,500.00
Kcompany, Campbellsville, Kentucky	51,600.00

The Regional Water Authority will consider the award of a service contract to Conway Enterprises of Mims, Florida, in the amount of \$36,600, for grouting in the Burnette Tunnel and authorize the Chairman to execute change orders to the contract if needed within the authorized budget for the project. Water Resources Director, Tom Frederick will give an update from the Water Authority Meeting.

Staff recommends that the City Council review this report for information purposes.

#### **For Information Only – Contract with Schnabel Engineering for Grouting of Burnette Tunnel**

Summary: This is a review of the Regional Water Authority's execution of Task Order No. 4, which serves as an amendment to their engineering services agreement with Schnabel Engineering Associates, in an amount not to exceed \$15,000, for construction administration and inspection services in the grouting of seepage cracks in the Burnette Tunnel.

There is a need for the grouting of seepage cracks in the Burnette Dam Tunnel as part of a recommendation to award a service contract. This report addresses an amendment to the engineer's contract for the engineering services to administer the grouting Work and provide adequate quality control and inspection.

Construction administration for the grouting in the Burnette Dam Tunnel is not included in the present contract with Schnabel Engineering but is a very important part of insuring the work is done properly. Construction administration includes defining the exact locations where grouting will be performed, and monitoring the construction techniques and performance of the

work. The engineer will provide independent written reports to the owner on the work for the record and will determine when the work is achieved satisfactory for payment.

Staff recommends that the City Council review this report for information purposes.

**Budget Amendment (35 Fund) to Provide Funding for Burnette Tunnel Grouting and Pisgah Highway Phase II**

Summary: The consideration of a budget amendment to amend Capital Project Ordinance 82-25 (35 Fund - Water Major Capital Improvements Fund) to provide future funding for the NC 151 (Pisgah Highway) Phase II NCDOT Project and to provide funding for grouting of the Burnette Dam Intake Tunnel.

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.

The NC 151 Phase II NCDOT Non-Betterment Relocation Project in the amount of \$633,600 is expected to be complete in Fiscal Year 2002/2003 and will be funded with future funds from a Fiscal Year 2002/2003 Revenue Bond Issue. This project will consist of relocating water lines in the right of way along NC 151 from SR 1110 (Warren Creek Road) at South Hominy to SR 1117 (Fowler Mountain Road). In addition to this NCDOT project, the Fiscal Year 2002 /2003 Revenue Bond Issue will fund several other NCDOT projects, Water Treatment Plant Improvements, Master Plan Improvements, and Annexation Projects.

At this time, it is necessary for the Authority to approve future funding for the NC 151 Phase II NCDOT Project so that a Utility Agreement between the City of Asheville and NCDOT can be signed. This agreement ensures that the utility work to be performed by NCDOT's contractor is fully reimbursed by the Authority.

Funding of \$60,500 is also needed for grouting of the Burnette Dam Intake Tunnel. This work was scheduled for Fiscal Year 2001/2002 as part of the Dam Safety Improvements Projects and was to be funded with a Fiscal Year 2001//2002 Revenue Bond Issue. As a result of a recent annual dam safety inspection, this project has been changed to a more urgent status. A sample of the water in the intake tunnel showed that sediment was just beginning to seep through the cracks in the tunnel walls. Although there is no current danger, the structural engineer has recommended that the grouting of the tunnel be done this fall as an extra precaution. Funding is available from the Dam Renovations Project and from remaining balances in the North Conference Room Project and the Fiscal Year 1998/1999 Distribution System Improvements.

The following changes are recommended in the 35 Fund:

Revenues

Contributions From Other Funds - Future	<u>Current</u>	<u>Recommended</u>
	\$2,805,298	\$3,438,898

Appropriations

	<u>Current</u>	<u>Recommended</u>
North Conference Room	\$22,106	\$3,000
FY 98/99 Distribution System Impr.	\$85,000	\$83,863
Dam Renovations (Dam Safety)	\$440,413	\$460,656
Future NCDOT Water Projects	\$2,805,298	\$3,438,898

The Regional Water Authority will consider the approval of an amendment to Capital Project Ordinance 82-25 at the September 19, 2000, meeting. The Director of Water Resources Tom Frederick will give an update from the Water Authority Meeting.

The Regional Water Authority recommends approval of a budget amendment for Capital Project Ordinance 82-25 (35 Fund) to reflect an increase in the Future NCDOT Water Projects with the Department of Transportation to include the NC 151 Phase II Water Line Relocation Project and to provide funding for emergency grouting to the Burnette Dam Intake Tunnel by reprogramming funds from the North Conference Room and 1998/99 Distribution System Improvements.

**Budget Amendment (29 Fund) to Appropriate \$12 Million for 2001 Revenue Bond Sale**

Summary: The consideration of a budget amendment to amend Capital Project Ordinance 92-17 (29 Fund - Water Bond Capital Improvements Fund) to reflect the sale of revenue bonds in the amount of \$12 million in approximately February 2001.

By Resolution 92-17 dated May 19, 1992, the Regional Water Authority authorized and budgeted for various capital projects to be funded by City Water Bond proceeds. Staff recommends the following changes to the capital project ordinance:

Revenues:	
Sale of 2001 Revenue Bonds	<u>\$12,000,000</u>
	\$12,000,000
Appropriations:	
Bee Tree Spillway	\$5,500,000
NCDOT Non-Betterment	2,874,000
NCDOT Betterment	291,000
Building Safety Improvements	1,000,000
Critical Needs Improvements	1,755,000
Master Plan Improvements	275,000
Bond Administration	200,000
Annexation	<u>105,000</u>
	\$12,000,000

Another revenue bond issue totaling approximately \$10,000,000 is scheduled in our five-year plan for the Fall of 2002 but does not need to be appropriated now.

The Regional Water Authority will consider the approval of an amendment to Capital Project Ordinance 92-17 at the September 19, 2000, meeting. The Director of Water Resources Tom Frederick will give an update from the Water Authority meeting.

The Regional Water Authority recommends approval of a budget amendment for Capital Project Ordinance 92-17 to establish funding for the \$12 million revenue bond issue scheduled for February 2001.

**Speed Limit Changes**

Summary: The consideration of an ordinance to reduce speed limits on several city streets.

The streets listed below have been identified for speed concerns by residents, City boards and commissions, City Council, the Asheville Police Department, Traffic Engineering staff, or other City staff. The Traffic Engineering staff has conducted field reviews of street geometry and conditions and/or speed studies. Many of these streets which exhibit the worst speeding problems are also being evaluated and prioritized for the installation of traffic calming measures per the Neighborhood Traffic Calming Policy. Determination of the appropriate speed limits for streets is one of the steps outlined in the Policy. The Police Department concurs with these recommendations.

#### 15 Miles Per Hour

The following street is a local residential street which has a combination of street geometry features which warrants speed limits significantly slower than the typical speed limit for local residential streets of 25 mph. These features may include narrow widths, frequent on-street parking, poor sight distance, lack of sidewalks, steep grades, or horizontal or vertical curves. The recommended safe operating speed on this street is 15 mph:

Orchard Road

#### 20 Miles Per Hour

The following streets are local residential streets which have a combination of street geometry features which warrants speed limits slower than the typical speed limit for local residential streets of 25 mph. These features may include narrow widths, frequent on-street parking, poor sight distance, lack of sidewalks, steep grades, or horizontal or vertical curves. The recommended safe operating speed on these streets is 20 mph. These streets include streets in two subdivisions in which the City recently took over maintenance of streets; Hills of Beaverdam and Hawthorne Village:

Clairmont Avenue  
Colonial Place  
Crescent Lane  
Dallas Street  
Deaver Street  
Dellwood Street  
Dorchester Avenue, between Florida Avenue and Burton Street  
Elderberry Lane  
Foxglove Court  
George Washington Carver Street  
Hedgerose Court  
Houston Street  
Larkspur Court  
Marne Road  
Morning Glory Drive  
Nebraska Avenue  
Nevada Avenue  
Skyview Circle  
Skyview Drive  
St Dunstons Circle  
Sunset Walk  
Tacoma Circle  
Trillium Court  
Vandalia Avenue  
Wayside Drive

Windflower Court  
Windflower Way

25 Miles Per Hour

Most of the following streets are typical local residential streets without street geometry problems. The appropriate speed limit for typical local residential speeds is 25 mph. A few of these streets are residential collector streets which have a combination of street geometry features which warrants speed limits slower than the typical speed limit for residential collector streets of 30 mph. The recommended safe operating speed on these streets is 25 mph:

Albemarle Road  
Arlington Street  
Baird Street  
Bear Creek Road, between Patton Avenue and Sand Hill Road  
Beechwood Road  
Birchwood Place  
Blake Drive  
Blanton Street  
Brooklyn Road, between Taft Street and Wyatt Street  
Burnside Drive  
Caribou Road, between Hendersonville Road and West Chapel Road  
Charlotte Street, between Evelyn Place and Woodlink Road  
Chicory Lane  
Clayton Avenue  
Clement Drive  
Coleman Avenue  
Columbine Road  
Courtland Avenue, between Montford Avenue and Courtland Place  
Culvern Street  
Dailey Drive  
Dorchester Avenue, between Haywood Road and Florida Avenue  
Edgewood Road (East)  
Fairfax Avenue  
Fairview Avenue  
Fairview Road, between US 74 and Broadview Drive,  
Forest Hill Drive  
Furman Avenue  
Glenclyff Road  
Gracelyn Road  
Grandview Road  
Grove Street  
Hansel Avenue  
Heathbrook Circle  
Hibernia Street  
Hillside Street  
Hudson Street  
Jeffress Avenue  
Lanvale Avenue  
Linden Avenue  
Looking Glass Lane, between Wagon Road and Pleasant Ridge Road  
Looking Glass Lane, between Browndale Road and Wagon Road  
Marlborough Drive  
Mayfair Drive

Merchant Street  
Morgan Avenue  
Mount Clare Avenue  
North Street  
Oakland Avenue  
Olney Street  
Overbrook Road  
Pearson Drive  
Pleasant Ridge Road  
Prichard Road  
Raleigh Road  
Riverview Drive  
Robindale Avenue  
School Road (Malvern Hills)  
Selwyn Road  
Shannon Drive  
Shiloh Road  
Skyview Terrace  
Starnes Avenue  
Stockwood Road  
Stockwood Road Extension  
Tacoma Street  
Taft Street  
Virginia Avenue  
Wagon Road  
Warwick Road  
Wellington Street  
Wendover Road  
Westwood Place, between Millbrook Road and Hazel Mill Road  
Woodvine Road

30 Miles Per Hour

The following streets are typical residential collector streets without significant street geometry problems. The recommended safe operating speed on typical residential collector streets is 30 mph:

Beverly Road (West)  
Caribou Road, between West Chapel Road and I-40  
Kenilworth Road  
Pinchot Drive  
Racquet Club Road

The Engineering Department requests that City Council approve the ordinance amending these speed limit changes.

Upon inquiry of Councilman Hay, Traffic Engineer Michael Moule explained how speed limits are set. He explained that the changes will not be in effect until the signs are posted. The most pressing streets will be posted within 2-3 weeks, with the remaining streets being posted as quickly as possible.

It was the consensus of City Council to have future staff reports note what the current speed limit is and what the proposed speed limit will be.

Councilwoman Bellamy asked Mr. Moule to check whether the proper street name is Taft Avenue or Taft Street.

### **Truck Traffic Prohibited on Residential Streets**

Summary: The consideration of an ordinance to prohibit through truck traffic on additional residential streets.

The Traffic Engineering staff has conducted field reviews and collected data on the streets listed below. These streets are residential streets that are not appropriate for truck traffic. Alternative roadways exist that are more appropriate for truck traffic.

Avon Road  
Balm Grove Avenue  
Barnard Avenue  
Columbine Road  
Dailey Drive  
Dorchester Avenue  
Edgewood Road (North)  
Florida Avenue  
Morgan Avenue  
Pinchoit Drive  
Woodvine Road

The Engineering Department requests that City Council approve the ordinance prohibiting trucks on various residential streets.

### **Creation of School Zone Speed Limit on Clinton Avenue**

Summary: The consideration of an ordinance to create an additional school zone on Clinton Avenue.

The Traffic Engineering staff has performed the necessary traffic analysis and field review to determine locations for this school zone. The following street has been identified as needing a school zone during the times when students typically go to and leave school:

Clinton Avenue – 20 mph between 7:00 a.m. and 9:00 a.m. and between 2:00 p.m. and 4:00 p.m. on school days, between Sulphur Springs Road and Dunn Street.

The Engineering Department requests that City Council approve the ordinance including Clinton Avenue as a school zone addition.

### **New Street Name of “Faculty Drive”**

Summary: The consideration of a resolution accepting the new proposed street name “Faculty Drive.”

Asheville School, Inc., owners of lots off of Asheville School Road, has petitioned the City of Asheville to accept the street name “Faculty Drive.” The new street will begin at Asheville School Road and end at the dead end.

City staff recommends adoption of the resolution.



### **New Street Name of "Science of Mind Way"**

Summary: The consideration of a resolution accepting the new proposed street name "Science of Mind Way."

Center for Creative Living, owners of lots off of Sandhill Road, has petitioned the City of Asheville to accept the street name "Science of Mind Way." The new street will begin at Sand Hill Road and end at the dead end.

City staff recommends adoption of the resolution.

### **Maintenance of the Wall Street Parking Deck**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with R.C.I. Painting Contractors for maintenance of the Wall Street Parking Garage.

The Wall Street Parking Garage is seriously in need of periodic cleaning and repainting of the exterior and interior walls and removal of rust and repainting of all metal surfaces. During Fiscal Year 1999-2000, City staff sought estimates from contractors to perform the needed maintenance; however, the estimated cost was well beyond the funding available for the project. As a result, initiation of the project was delayed until the current Fiscal Year when additional funds were made available.

Bids for the project were sought and three responses were received (two bids and one "no bid"). The low bid of \$35,500 was submitted by R.C.I. Painting Contractors. Their bid includes: pressure washing all exterior and interior walls; hand scraping to remove flaking paint; application of primer and two coats of paint to all walls; sanding, priming and painting all metal rails, window guards and doors. The work is warranted for twelve years. With contract award at this time, we anticipate that the painting work will be completed prior to onset of cold weather which would require postponement until next spring.

In addition to this painting project, as a separate but related initiative, staff has received proposals and will be awarding a contract for new awnings and any necessary repair of the awning supports at the Wall Street Parking Garage. This contract award will be made by the City Manager.

Council adopt the resolution which authorizes the City Manager to execute a contract with R.C.I. Painting Contractors.

### **Budget Amendment for Fair Housing Assistance Program**

Summary: The consideration of a budget amendment to create a budget of \$45,400 for the Fair Housing Assistance Program (FHAP) for Fiscal Year 1999/2000.

The City has been carrying out its fair housing program under contract with the Asheville-Buncombe Community Relations Council and Fair Housing Commission since January 1988, using HUD FHAP funds. The City's Community Development Division serves as Lead Entity and monitors the program.

On August 29, 2000, the City received notification of the grant awarded to the City for the current federal Fiscal Year 10/1/99-9/30/00. This notification required the City to draw down the funds no later than September 15, 2000. City staff has submitted the necessary paperwork to HUD to avoid losing these funds.

Community Development staff recommends adoption of the budget amendment to create a budget for the Fair Housing Assistance Program (FHAP) for Fiscal Year 1999/2000.

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.

**RESOLUTION NO. 00-170 – RESOLUTION ACCEPTING THE N.C. DEPARTMENT OF TRANSPORTATION LETTER REGARDING A PASSENGER STATION LOCATION STUDY**

Vice-Mayor Cloninger said that this is the consideration of a resolution authorizing City Council acceptance of a letter from the N. C. Department of Transportation, Rail Division (NCDOTRD), outlining the framework for the site selection study phase necessary for developing a passenger train station in Asheville.

Economic Development Director Mac Williams said that there are nine stops along the proposed Salisbury to Asheville passenger train route. Each stop will need a depot. All but one of the stops already has an existing depot or other suitable existing structure. (The one stop without a structure is in Valdese where an open site has been identified). All will need some level of improvements to accommodate passenger rail service. The General Assembly has mandated NCDOTRD to conduct a feasibility study examining all aspects for the proposed service including costs associated with developing/improving each of the depots. Currently, Asheville does not have a specific site determined for the depot location. Consequently, we have an extra step to take to identify the site before work can begin on the evaluation of the potential cost for the depot structure itself. NCDOTRD and Norfolk-Southern have proposed five sites for initial consideration—three existing structures and two open sites. NCDOTRD, and their consultant, with input from the Local Passenger Train Station Task Force recently approved by Council, will conduct the study to determine the ultimate site location.

Mr. Williams reviewed with Council the following five sites: (1) Historic Biltmore Station at 30 Lodge Street; (2) Biltmore Village site (Slosman property); (3) Historic Southern Railway Depot; (4) site located to the west of the Historic Southern Railway Depot; and (5) former site of the original passenger rail depot located on Depot Street.

Mr. David Bender, Transportation Planner with the NCDOTRD, said that since the deadline for the completion of the WNC Study is set for March 2, 2001, the NCDOTRD has opted to pursue an alternative to the standard Municipal Agreement procedure for the development of the much-anticipated Asheville Station Site Selection Study. Rather than having the City of Asheville go through the open bid procedure, the NCDOTRD has elected to utilize an internal open engineering contract via an existing Limited Service Agreement with the consulting firm, Gannett-Fleming of Charlotte to conduct the study. This open engineering contract agreement will allow the contractor (Gannett-Fleming) to immediately commence work on the site selection study for Asheville. This process is anticipated to accelerate the start of the study by two or more months ensuring a final product by the March 21, 2001, deadline. This agreement will also eliminate the 10% matching cost normally required of the municipality.

Mr. Bender said that although the NCDOTRD is taking a lead role in the management of the site selection study, it is imperative that the consultant work closely with the Asheville Site Selection Task Force, property owners of the study sites, surrounding property owners, Norfolk-Southern and all other stakeholders impacted by this study.

Mr. Bender answered various questions and comments from Council, some being, but are not limited to: if the site selected is on Depot Street, will there be a stop in Biltmore Village; what types of issues will be included in the feasibility study; will there be opportunities for public input; and what is the timeline for this study.

City staff recommends City Council accept the N. C. Department of Transportation, Rail Division, letter describing the framework for the site selection study phase necessary for developing a passenger train station in Asheville.

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Cloninger moved to waive the rules and take formal action at this meeting. This motion was seconded by Councilwoman Bellamy and carried unanimously.

Vice-Mayor Cloninger moved to adopt Resolution No. 00-170. This motion was seconded by Councilman Worley and carried unanimously.

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### **UDO AMENDMENT REVIEW**

City Attorney Oast said that this Unified Development Ordinance amendment is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearing, which is scheduled on September 26, 2000. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

#### **Method of Calculating Front Setback**

Chief Planner Gerald Green said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) to change the method of calculating the front building setback line.

On September 6, 2000, the Planning and Zoning Commission voted unanimously to recommend approval of this wording amendment. Staff initiated this wording amendment to change an administrative procedure in the Unified Development Ordinance (UDO) to make it more consistent with the City's Smart Growth Policies.

Front setbacks are currently measured from the street right-of-way line. In some cases, this method of calculating the setback pushes buildings back from the street by as much as 50 to 75 feet. In turn, these setback rules essentially mandate that the parking is located in front of buildings in these cases. This result is in direct conflict with the principles of smart growth and walkable communities. These principles say that buildings should be located next to the street to hide parking, promote pedestrian activity, and create a more interesting streetscape. The following amendment to the ordinance will change the way we measure the front setback and the street side setback to allow buildings to be built closer to the street. This change will only be applied in cases where the street is at least four or five lanes wide, and where additional street widening is not anticipated. In these cases, we will measure the front setback from the edge of the travel lane rather than the right-of-way line.

Planning staff recommends inserting the following text (in bold) in Section 7-10-2(b) of the UDO:

(b) Method of calculation

- 1) Minimum setback. Minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line) to the building line, ~~except~~ Front setbacks shall be measured from the street right-of-way line, **except, on streets**

**greater than 45 feet in travel lane width, the setback shall be measured from the edge of the travel lane. The accompanying corner lot, street side setback shall also be measured from the edge of the travel lane. In no case shall the minimum setback be closer to the street than the right-of-way line.** A setback may be the front, rear, or side setback. For illustrations of the location of front, rear, or side setbacks, see Figure 10-1. Except as set forth for through lots in subsection 7-10-2(d) below, there shall be one (1) front setback area which is determined at the time of site plan approval or zoning permit issuance.

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to proceed with the appropriate public hearing on September 26, 2000.

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.

### **FESTIVALS AND SPECIAL EVENTS**

Parks and Recreation Director Irby Brinson said that City Council requested that Parks and Recreation staff develop a report on Festivals and Special Events either sponsored or co-sponsored by the City of Asheville.

Mr. Brinson reviewed the report on Festivals and Special Events produced, co-sponsored or approved through the Parks and Recreation Department. The information provided gives an outline of the Festival Division, current staffing and revenue generated along with a description along with sponsored, co-sponsored and independent events that occur within the City. The information in the report includes direct costs associated with these events with detailed information provided on other departmental costs. The time frame used to determine this annual breakdown includes events that were scheduled from January 1, 2000, through August 15, 2000. Events shown after August 15 include events from 1999 records since these events have not occurred this year.

The City of Asheville, through its Parks & Recreation Department, provides various festivals and special events in the Asheville area. The purpose of providing festivals and special events is to highlight cultural diversity, enhance community pride, foster tourism and contribute to the long-term economic benefit of the Asheville area. It has been estimated that the combined economic impact of festivals and special events in the Asheville area is approximately \$22 million.

Like most cities, Asheville constantly reviews its services to ensure that resources are allocated in the most efficient manner possible. During a worksession on the FY 2000-2001 budget, City Council asked staff to determine the City's cost for providing festivals and special events. This report describes the types of festivals and special events held in Asheville and identifies the cost to the City.

Festivals in Asheville attract over 530,000 attendees each year and have become a significant part of Asheville's quality of life. The economic impact of these events is estimated at approximately \$22 million. The City incurs a net cost of approximately \$375,000 per year to provide festivals and special events, \$150,000 of which is attributable directly to the City's Festival and Special Events Division.

There are three types of festivals and special events held in the City of Asheville. They include City Festivals, Co-Sponsored Festivals, and Independent Festivals. The following is a brief description of each type of festival.

**City Festivals and Special Events**

City festivals are major special events that are planned, organized and produced by the City of Asheville. The City assumes sole financial and fund raising responsibility for these events. The City produces three major festivals per year. They include *Bele Chere*, *First Night*, and *the Fourth of July Celebration*. *Bele Chere* is the largest summer street festival in the Southeast. It attracts approximately 350,000 people per year and has an estimated economic impact to the Asheville area of \$12 million. *First Night* is Asheville's premier, non-alcoholic New Year's Eve party, focusing on family entertainment and events. *The Fourth of July Celebration* is a small summer festival that celebrates Independence Day with music, games, food and fireworks.

The City's responsibility for City festivals requires a significant investment of staff time and resources. City festivals are produced by the City's Festival and Special Events Division, which is housed in the Asheville Parks & Recreation Department. The Festival and Special Events Division has a year-round staff of six full-time employees and one part-time employee. In addition, a full-time secretary in the Parks & Recreation Administrative Division provides direct clerical support to Festival and Special Events Division staff. (The secretary was originally assigned to the Festival and Special Events Division but was recently transferred to Parks Administration). A staffing profile of employees responsible for festival production is provided below:

**Festival and Special Events Division Staffing**

<u>Positions</u>	<u>FTE</u>
Festivals Coordinator	1.00
Sponsorship Coordinator	1.00
Events Specialists	4.00
Part-time Events Specialist	<u>0.75</u>
<b>Total</b>	<b><u>6.75</u></b>

The City incurs the following types of expenses to produce a city festival:

- Salaries for full-time and part-time Festival and Special Events Division employees;
- Salaries for full-time secretary in Parks Administration;
- Cost of providing entertainment (i.e., musicians, performers);
- Special event costs (i.e., games, contests, etc.);
- Set up and logistics costs;
- Decoration expenses;
- Purchase of goods for resale (i.e., souvenirs, beverages, etc.);
- Overtime pay for police and fire protection;
- Overtime expenses for sanitation and street maintenance clean-up.

The City attempts to recover festival production expenses from the following revenue sources: Corporate Sponsorships; Beverage Sales; Vendor licensing/rental fees; Souvenir sales; and Event fees/Other.

### **Co-Sponsored Festivals and Special Events**

Co-Sponsored festivals are produced by private or non-profit organizations. These organizations, not the City, assume full financial and fund raising responsibility for producing the festival. The City, however, supports the event by providing in-kind City services (i.e. police protection, sanitation clean-up, etc.) in exchange for recognition as a sponsor in all festival publicity.

To receive in-kind services, a private event producer requests approval for co-sponsorship from the City by submitting a formal application to the Parks & Recreation Department. Parks and Recreation staff reviews each application and prepares a list of recommended co-sponsored festivals for City Council action. As required by City policy, Council must approve the list of recommended festivals on an annual basis before co-sponsorships are granted. Examples of co-sponsored festivals include the *Goombay Festival*, *Asheville Greek Festival*, *Downtown After Five*, *Asheville Merchants Christmas Parade*, and *Shindig on the Green*.

Because Parks & Recreation staff is not involved in direct production of co-sponsored festivals, minimal staff support is required from Festival and Special Events Division employees. Some level of support, however, is required. The part-time Events Specialist, for instance, is responsible for coordinating the co-sponsorship application process, as well as working with other City departments to ensure that all approved in-kind City services are provided.

The City incurs the following types of expenses for co-sponsored festivals or events. These expenses are not recovered with offsetting revenues: Staff time of Part-Time Events Specialist; Overtime pay for police and fire protection; Overtime pay for sanitation and street maintenance services; Use of City equipment including tents, tables, chairs, etc; and Use of Parks Maintenance staff: delivery, set-up and tear-down of equipment.

### **Independent Festivals and Special Events**

Independent festivals are typically small, neighborhood functions that are produced by private groups or individuals for which the City provides no financial or in-kind support. Independent event producers are charged at a full cost recovery rate for any services requested from the City. For example, if Police support is requested, the City provides off-duty police officers, charging the appropriate hourly rate. The City may, however, incur a minimal cost for independent events, as it is sometimes necessary for the part-time Event Specialist to help independent festival producers obtain necessary city permits.

The purpose of this report is to give City Council an update of our current practices in regard to the way Festivals and Special Events are coordinated within the City. No formal action is required.

There was considerable discussion about in-direct costs associated with festivals.

Mayor Sitnick stated that she wanted to make sure that the City doesn't lose any festivals, but suggested possibly putting a cap on festival events. She also suggested that if the City is fully co-sponsoring an event, that possibly in the following year the City could reduce their co-sponsorship. However, if the event could not happen without the City's co-sponsorship, then that would be something that City Council would need to consider. She wondered if there could be more co-sponsorship from outside City government for some festivals.

Mr. Brinson noted that requests for co-sponsorship has doubled in the past year.

Councilman Hay felt it might be useful to the Parks and Recreation Department for City Council to set some perimeters or guidelines on co-sponsorship.

Councilwoman Bellamy stated that to put a cap on or limit co-sponsorship on some festivals, in particular Goombay or the Greek Festival, would cause a hardship on the festival event. These particular festivals celebrate diversity.

Councilman Worley was concerned about the City losing site of the big picture, which is brining in millions of dollars in economic impact.

Councilwoman Field favored spending money on festivals, which benefit a lot of people, than to fund some outside agencies, which serve only a limited group. She felt festivals are very beneficial to the quality of life.

Mr. Brinson stated that in January (as in past years), he would provide to City Council a list of proposed sponsorship and co-sponsorship festivals for their approval, along with criteria used to determine co-sponsorship.

#### **LOCAL AREA SUPPLEMENT FOR THE DRAFT 2002-2008 STATE TRANSPORTATION IMPROVEMENT PROGRAM**

Transportation Planner Ron Fuller said that this is the review and consideration of comments to the 2002-2008 Draft Transportation Improvement Program during the public comment period.

The Transportation Improvement Program (TIP) is the statewide document the North Carolina Department of Transportation uses to identify, schedule and fund improvements to, primarily, state facilities. It is currently out for a 30 day review period by the public. The Transportation Advisory Committee will then meet on September 28, 2000, for a public hearing to gather comments and concerns from the public. The Transportation Advisory Committee welcomes input from the City of Asheville concerning any projects listed. Comments are also welcome for projects that may not be currently identified on the TIP.

He presented the recommendations from staff concerning the major projects in the TIP and highlighted ten individual projects. All recommendations are as follows:

**I-4400** – This is a funded project that was requested by Henderson County in Division 14. It involves the widening of I-26 from 4 lanes to 6 lanes. A very small portion of I-26 touches Buncombe County south of NC 280.

**I-4401** – This project would add additional lanes on I-40 from the I-26/I-240/I-40 interchange to US 19/23 (Smoky Park Highway) at Exit 44. This is a segment of interstate that routinely experiences congestion. Staff is in agreement that additional lanes would be beneficial.

**R-4406** – This project in part in Haywood County and part in Buncombe County. It is outside the official MPO jurisdiction. It is a well traveled segment of highway which serves as an alternate route to I-40. The road likely needs additional lanes, however it is questionable as to the need for five lanes, if that is the recommended alignment.

**R-2813** – This project involves the widening of Long Shoals Road from I-26 to US 25. Staff recommends this as a "Gateway Corridor". This would include a landscaped median, sidewalks on both sides of the roadway and bike lanes. It was the consensus of City Council to have the

City Manager send a letter of support for the "Gateway Corridor" concept with sidewalks on both sides of the street and a landscaped median.

**U-4005** – This project is part of the upgrade to US 19/23 (future I-26) from I-240 to the Buncombe/Madison County line. It addresses the immediate safety concerns of installation of guardrails in the median. Staff agrees that this is a warranted project.

**U-619** – This project has been on the TIP for a number of years. It remains listed as an Unfunded Project. Although the TIP indicates a four-lane alignment, staff would recommend no more than three-lanes. It was the consensus of City Council that this project be 3-lanes and that the NC DOT fund this project with streetscaping.

**U-2801** – This project is the widening of Sweeten Creek from I-40 south to Rock Hill Road. This portion is slated to be let for ROW on September 19. It is currently designed as a five-lane facility with a sidewalk on the east side. Due to very tight ROW restrictions, the railroad and a creek, we were unable to get the "Gateway Corridor" concept included as part of this project. The next section, from Rock Hill Road to US 25 is not slated for construction until after 2008. Staff would recommend a request to expedite this portion of the project if at all possible.

**U-3403** – This project includes the widening of Brevard Road from Sardis Road to the Blue Ridge Parkway. With the exception of a few hundred feet at the southern end of the project, which will have a landscaped median, the remainder of the project will be a five-lane facility with no sidewalks. NCDOT rationale for the lack of a consistent landscaped median were: tight ROW, numerous businesses and intersections with local roads. The lack of sidewalks was attributed to the fact that the section of roadway lies completely outside the city limits and therefore, no one to participate in construction or maintenance of the sidewalk. Staff recommends a request to NCDOT to ensure that at least a 10 foot strip of land be reserved for future sidewalks.

**U-3404** – This project involves the widening of Biltmore in the hospital area to make the existing lanes wider. It was recommended that this project be removed from the TIP. Staff continues to support its removal.

**U-4013** – This project involves improvements to Merrimon Avenue from Beaverdam Road to I-240. The feasibility study that was recently done indicated a five-lane scenario, a three lane scenario and a "no build" scenario. The draft TIP appears to be listing the worst case scenario with a 36 million dollar cost estimate. This was the five-lane estimate. It is currently listed as an unfunded project. Staff strongly recommends that Council request NCDOT not consider a five-lane option, rather give strong consideration to the three-lane option. It was the consensus of City Council that this project be 3 lanes and that the NC DOT fund this project.

**U-4014** – This project includes the upgrades to the McDowell Street tunnel as requested by Council a few years ago. It is currently listed as an unfunded project.

**B-2515** – This project is to replace the bridge over the Swannanoa on Biltmore Avenue. The City has been working with NCDOT to have a "temporary" bridge constructed east of the current bridge (near Decatur Street) that could handle the construction traffic and then left in place to serve as an additional access across the Swannanoa. Staff continues to recommend in favor of this concept.

**FS-0113A** – This is a feasibility study to look at adding additional lanes to I-26 from Henderson County to I-240. As this is a feasibility study, staff would recommend its completion.



**FS-0013B** – This is a continuation of a feasibility study to look at adding a new interchange at Dogwood Road west of Asheville.

**FS-0113B** - This is a feasibility study to look at adding additional lanes to US 19/23 (future I-26) from the Buncombe/Madison County line to I-240. As this is a feasibility study, staff would recommend its completion.

**FS-9913A** – This is a feasibility study in progress to look at adding a new interchange on I-40 at Meadow Road. Currently, Biltmore Estate has expressed concern over this request and are not supportive of the idea. Staff would defer, awaiting the outcome of the feasibility study, before making a recommendation.

**E-4017** – This the addition of the W.T.Weaver Greenway project.

**E-4406** – This is scheduled for a feasibility study to look at providing a greenway connection near Recreation Park.

**FS-0113C** – This project is a request from UNC-A to ask NCDOT to assist in the construction of and improvements to the internal street network for the campus.

**FS-9913D** – This is a feasibility study in progress to look at improvements to Amboy Road from I-240 to the river (including a new bridge).

As Mr. Fuller highlighted the projects, City Council made various comments and suggestions throughout the report.

City staff would also recommend to NCDOT the addition of a Traffic Signal Feasibility Study. This is a joint effort by NCDOT and the City to address the signal needs throughout the City.

City staff requests City Council review the TIP along with staff's recommendations and formulate recommendations to be sent to the Technical Coordinating Committee and the Transportation Advisory Committee.

Councilwoman Field suggested asked that the Bicycle Task Force continue to consider the possibilities of outline lanes or bike lanes and to work with the Public Works Department to stripe and maintain the areas.

It was the consensus of City Council to instruct a letter be sent to the Technical Coordinating Committee and the Transportation Advisory Committee outlining the recommendations stipulated by City Council at this meeting.

**RESOLUTION NO. 00-171 – RESOLUTION URGING SUPPORT OF THE SANTORUM-LIEBERMAN BILL TO INCREASE THE PER CAPITA LIMIT ON LOW INCOME HOUSING TAX CREDITS**

Community Development Director Charlotte Caplan said that this is the consideration of a resolution urging Senators Helms and Edwards to support a bill that would increase the funds available for Low Income Housing Tax Credits (LIHTC).

During the next few days, the US Senate Finance Committee is expected to take action on the Santorum-Lieberman New Markets – Community Renewal Bill (S2779). This bill

authorizes an immediate (Fiscal Year 2001) increase in the per capita limit for LIHTC from \$1.25 to \$1.75.

LIHTC is now the primary federal funding mechanism for affordable rental housing. It provides tax credits for investors in projects that provide quality rental housing to families below 60% of area median income. Developers, even non-profit developers, can access the equity generated by selling the tax credits for an approved project and can realize as much as 50% of the cost of development from this source. This translates into lower borrowing costs and lower rents.

Tax credits are distributed through state housing finance agencies and have been capped at their current level since 1986. In North Carolina, out of 110 applications in the latest round only 33 were funded. Developers in our area (Asheville/Buncombe County) have been successful in four out of the last five applications made, with River Glen Apartments in 1997, Wind Ridge in 1999, and Dunbar Place and Crowell Square in 2000.

The proposed 40% increase in the per capita limit would provide about 1050 additional affordable housing units statewide each year.

Ms. Caplan asked for City Council approval at this meeting in order to convey Council's views to Senators Helms and Edwards before Senate action on the Bill.

At Ms. Caplan's request, it was the consensus of City Council to have a resolution in support of increasing the level of HOME and CDBG funding at the next formal Council meeting.

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Hay moved to waive the rules and take formal action at this meeting. This motion was seconded by Councilman Worley and carried unanimously.

Vice-Mayor Cloninger moved to adopt Resolution No. 00-171. This motion was seconded by Councilwoman Bellamy and carried unanimously.

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### **EAST END PLACE SUBDIVISION**

Councilman Peterson asked if it would be too late to bring a different plan before City Council with regard to development of the East End Place Subdivision. City Attorney Oast said that since City Council has continued this issue to the September 26, 2000, City Council meeting for action, Council should be careful on what kind of action they may take to dispose of this before it comes back at the scheduled meeting date.

Councilwoman Bellamy noted that she will be attending a meeting with the neighborhood with regard to this issue later in the evening and would report back to City Council at their September 26, 2000, meeting.

### **INTRODUCTION OF BOND ORDERS AND RESOLUTION ESTABLISHING PUBLIC HEARING ON TWO-THIRDS BONDS**

Finance Director Bill Schaefer said that this is the introduction of Bond Orders Authorizing the Issuance of \$1,300,000 Sanitary Sewer Bonds and \$670,000 Equipment Bonds and the consideration of a resolution setting a public hearing upon said bond orders.

Bond Orders for both the \$1,300,000 Sanitary Sewer Bonds and the \$670,000 Equipment Bonds are being introduced to City Council at this time in order for text of the Bond Orders to be included in the associated Notices of Public Hearing.

The Bond Orders state: (1) The projects being financed are necessary; (2) The purpose of the projects; (3) The maximum amount of the bonds; (4) Sufficient taxes will be levied to pay principal and interest when due; (5) A sworn statement of the City's debt has been filed and available to the public (the statement will be sworn and available on September 27, 2000); (6) No bonded debt in excess of the Two-Thirds Bonds limitations for the current fiscal year has been incurred; and (7) The Bond Orders will take effect thirty days after adoption and subsequent publication unless petitioned to a vote of the people as provided in N.C.G.S. 159-60.

The proposed resolution sets the public hearing on the Bond Orders for October 10, 2000, at 5:00 p.m.; directs the City Clerk to publish notice of the public hearings; and directs the Finance Director to file the statement of debt and other financial information.

The Bond Orders will be considered for adoption by City Council following the completion of the public hearings on October 10, 2000.

City staff recommends City Council adopt the resolution.

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 A 5<sup>TH</sup> POLICE DISTRICT WITHIN THE DOWNTOWN AND CENTRAL BUSINESS AREA**

Police Chief Will Annarino said that the Asheville Police Department has completed the implementation of the District system with establishment of a 5th police district within the downtown area.

The Asheville Police Department is currently configured into 4 service districts. Effective November 1, 2000, a 5th district, encompassing the downtown area, will be implemented. District Officers will use marked patrol units for rapid call response along with Mounted, Bicycle and Walking patrol techniques. A fulltime Community Service Officer will be dedicated to downtown issues. The personnel and equipment for the 5<sup>th</sup> District will predominantly be pooled from the existing districts.

Advantages include the following: (1) Full time District Commander and staff dedicated to service delivery and problem solving Downtown; (2) Quicker response to calls for service in central area; (3) More officers in downtown area at any given time; and (4) Enhanced accountability and public service that takes into account the unique characteristics of each community.

This report is for information only and no action by City Council is necessary.

Councilman Hay noted that this is good news and asked that a press release be prepared stressing that this good long term vision and planning.

#### **NC LEAGUE OF MUNICIPALITIES CONVENTION**

Councilman Hay nominated Councilman Worley as the voting delegate and Councilwoman Field as the alternate voting delegate for the N.C. League of Municipalities

Annual Business Meeting in Fayetteville, N.C. on October 17, 2000. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

**ARMY RESERVE CENTER LEASE**

City Attorney Oast said that the City has leased their property at 224 Louisiana Avenue (Army Reserve Center) to the United States of America for \$1/year since 1950. That lease has expired and after negotiations, a new lease agreement is being drawn up for six years at a rate of \$60,000/year.

It was the consensus of City Council to have a resolution placed on the next formal meeting authorizing the City Manager to sign a lease agreement with the United States of America for property at 224 Louisiana Avenue.

**CLOSED SESSION**

At 6:18 p.m. Councilman Hay moved to go into closed session in order to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Carolina Power & Light Company and City of Asheville. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilman Worley and carried unanimously.

At 6:35 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously.

**ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 6:35 p.m.

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CITY CLERK

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MAYOR