

Tuesday – March 6, 2001 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Terry Bellamy; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burlison

Absent: None

CONSENT:

Utility Agreements with NC DOT for Hendersonville Highway, Sweeten Creek Road, Pisgah Highway Phase II and Bridge 512 on Old US 70

Summary: The consideration of a resolution authorizing the Mayor to execute four Utility Agreements with the N. C. Dept. of Transportation and an Indemnification Agreement with the Regional Water Authority.

The Regional Water Authority received a report from staff in October 2000 regarding a proposed Utility Agreement with the N. C. Dept. of Transportation (NCDOT) for the Pisgah Highway Phase II Project. In November 2000, the Authority adopted a resolution authorizing the Chairman to execute a three-party Utility Agreement among the NCDOT, the City and the Authority. In December 2000, the City Council rejected a three-party agreement in favor of a two-party agreement between the City and NCDOT. The difficult issue at the center of the differences between the Authority and City was the City's concern over the possible withholding of Powell Bill (municipal street maintenance) funds from the City by the NCDOT.

Since December 2000, the Authority's attorney and the City Attorney have been negotiating a separate Indemnification Agreement to protect the Authority's interests in the event that the Director of Water Resources finds deficiencies in the water line work by NCDOT's contractor and the City chooses to settle with the NCDOT to avoid the withholding of Powell Bill funds.

The Authority approved resolutions at its February 20, 2001, meeting recommending that the City of Asheville execute four separate Utility Agreements with the NCDOT, one for each of four projects, in a form acceptable to the Authority's attorney, and subject to the execution of an Indemnification Agreement acceptable to the Authority's attorney between the City and the Authority. The four projects included are as follows:

1. Pisgah Highway Phase II, Budget \$628,600 in 329 Fund (2001 Revenue Bonds), Completion 2002.
2. Hendersonville Highway, Budget \$235,180 in 329 Fund (2001 Revenue Bonds), Completion 2001.
3. Sweeten Creek Road Phase II, Budget \$1,245,770 in 335 Fund (Future Revenues, Proposed 2002 Revenue Bonds), Completion 2003.
4. Bridge 512 on Old US 70 in Swannanoa, Budget \$5,000 in 329 Fund (2001 Revenue Bonds), Completion 2002. *Note: NCDOT is paying all "non-betterment" costs for this project since the existing water line was outside NCDOT right-of-way before this project was proposed. The City will pay only for the cost of added valves on the relocated water main, necessary to conform to current Asheville Standard Specifications.*

Staff recommends that the Asheville City Council authorize the Mayor to execute Utility Agreements with NCDOT and execute an Indemnification Agreement between the Authority and

City for Pisgah Highway Phase II, Hendersonville Highway, Sweeten Creek Road Phase II and Bridge 512 on Old US 70 Projects.

There was discussion regarding the Water Authority's request for an indemnification agreement.

Amendment to Water 35 Fund for NC DOT Sweeten Creek Road Phase II Waterline Replacement Project

Summary: The consideration of a budget amendment in the 35 Fund – Water Major Capital Improvements Fund to provide future funding for the N. C. Dept. of Transportation Project Sweeten Creek Phase II.

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 Sweeten Creek Phase II N.C. Dept. of Transportation (NCDOT) Non-Betterment Relocation Project is expected to be complete in Fiscal Year 2002/2003 and will be funded with future funds from the Fiscal Year 2002/2003 Revenue Bond Issue. The construction cost for this project has been estimated by NCDOT to be \$1,132,520 and a 10% contingency of \$113,250 (including inspection fees) has been included in replacement of parallel 8" and 16" lines with a new 20" water line in Sweeten Creek Road between Roberts Road (near I-40) and Rock Hill Road (near Stockwood Rd). In addition to this NCDOT project, the Fiscal Year 2002/03 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 to approve future funding for the Sweeten Creek Phase II NCDOT Project so that a Utility Agreement can be signed.

The following changes are recommended in the 35 Fund:

Revenues:

Contribution From Other Funds – Future Current Recommended

\$3,438,898 \$4,684,668

Appropriations:

Future NCDOT Water Projects \$3,438,898 \$4,684,668

The Regional Water Authority approved the amending of Capital Project Ordinance 82-25 at their January 16, 2001, meeting.

City staff recommends approval of a budget amendment to reflect an increase in the future NCDOT Water Projects with the N. C. Dept. of Transportation to include the Sweeten Creek Phase II Water Line Replacement Project.

2001 Bele Chere Budget Amendment

Summary: The consideration of a budget amendment appropriating revenue and expenditures for the Bele Chere 2001 Festival.

This budget has been approved by Parks and Recreation staff and by the Bele Chere Board on February 21, 2001. This request represents a balanced budget with appropriate revenue offsetting expenditures.

Parks and Recreation Department recommends City Council adopt the budget amendment in order to recognize revenue and appropriate funds for Bele Chere 2001 Festival.

Budget Amendment for Various Transportation Studies

Summary: The consideration of a budget amendment, in the amount of \$58,000, to complete various transportation planning projects.

The Transportation Services Division of the Engineering Department requests a change in the professional services operating budget. The amendment would allow several transportation planning studies for the MPO to be completed. One-hundred percent of this money will be reimbursed by the State, City of Woodfin and City of Fletcher. The studies include:

- Charlotte Street Corridor Study - \$18,000
- Town of Woodfin Corridor Study - \$20,000
- Town of Fletcher Corridor Study - \$20,000

The Charlotte Street Corridor Study will be paid with a combination of State Planning (PL) Funds (80%) and City of Asheville Funds (20%). The total cost of this project is \$22,500. The additional money requested for this project, \$18,000, will be reimbursed by the State after the project is complete.

Since the City of Asheville is the Lead Planning Agency (LPA) for the MPO, other participating towns must work through our budget process to be reimbursed by the State. Both Woodfin and Fletcher will pay bills in full for their project and will seek reimbursement for the 80%. Thus, there will be no net cost to the City of Asheville as it will be treated as a "pass through" account. The 20% matching funds for those projects located in the Towns of Woodfin and Fletcher will be paid by those local governments.

The only cost to the City of Asheville to complete these three studies is \$4,500 and that is already budgeted.

City staff requests City Council approve a budget amendment, in the amount of 58,000, to complete various transportation planning projects.

Public Involvement Process and Schedule for Comprehensive Plan Update

Summary: The consideration of a motion approving the public involvement process and schedule for completing the 2010 Plan Update.

As part of the Planning & Development Department work program, staff is preparing to move forward on the public participation portion of the Comprehensive Plan update.

Our proposal is to follow the same participation model that worked quite well with the I-26 Connector Project. Staff would assemble an advisory committee of 20-30 people that cover a broad spectrum of the community. This committee would have a couple of organizational and buy-in meetings at the start of the project, would monitor the process of public involvement, and would make final recommendations at the conclusion of the process.

Public involvement is planned as six area-specific forums at which staff will make an initial "here are some area issues and some ideas for addressing them" presentation and the public will have a significantly longer time at the meeting to respond and provide ideas in a facilitated setting. In effect, we would be combining an

educational, visioning and innovations presentation with an opportunity for extensive input. This would be similar to a combination of the Education and Design Forums process used for the I-26 Connector project.

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Using the area-specific approach would allow us to move forward with approval of elements of the plan if we ran into delays in some areas and not others. In other words, if there were no controversies with the Center City element but there were concerns in the South or East areas, we could approve the Center City element and work on the problem areas on a different schedule. There would also be one "Citywide Issues" forum after the area-specific forums to address larger scale issues like I-26. The forums would be facilitated by a professional meeting facilitator not associated with the City to insure the neutrality of the facilitation. We would also like to bring in an outside speaker on the importance of good urban design as a "kick-off" event for the participation process.

Preliminary timelines for this involvement process start on March 6, 2001, with City Council public hearing tentatively scheduled on September 25, 2001. This is an aggressive schedule that can be modified and/or lengthened depending on the need for additional public input.

City staff recommends City Council direct staff to initiate the public involvement process for the Comprehensive Plan update.

Councilman Peterson felt that 20-30 people on the steering committee may not be enough. He noted that there are about ten neighborhood groups in each of the six areas and perhaps one person from each neighborhood should be on the steering committee. In addition, one or two businesspeople from along Tunnel Road, Haywood Road, Charlotte Street and Merrimon Avenue should perhaps be appointed to the committee as well. Also, it would be good to have representation from some of the more active churches or non-profits in those areas like UNC-Asheville and A-B Technical Community College. Councilman Peterson also felt that some people may feel that they were intentionally excluded from the steering committee and didn't think the committee make-up should be solely made up by staff.

Mayor Sitnick also felt that there should be representation from the Sustainable Economic Development Implementation Task Force appointed to the committee. She also suggested that staff review the resource lists from boards like the Planning & Zoning Commission and the Board of Adjustment to find possible appointments.

Mr. Shuford said that City Council was welcome to suggest names to staff for possible appointment to the steering committee as well, but cautioned them that if there were too many people, it might not be a cohesive working group. He said that he would provide City Council with a list of staff's recommendations regarding representation on the steering committee.

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.

2001 ANNEXATION SCHEDULE

Planning & Development Director Scott Shuford passed out to Council some "Annexation Fast Facts" with information on past annexations by the City.

Upon inquiry of Councilwoman Bellamy, Mr. Shuford said that City staff will be reporting to Council, at their March 20, 2001, worksession, information requested from their annual retreat concerning the City's extraterritorial jurisdiction.

Urban Planner II Paul Benson said that this is the consideration of resolutions stating the intent of the City to

annex the following five areas: Lowes, Upper Sondley, Old Dominion, Best Inns and in the Arden area.

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Starting with the report prepared in June 2000 by Benchmark Inc. City Planning staff have evaluated area surrounding the City of Asheville for annexation feasibility. Using geographic information system analysis the staff has narrowed the set of potentially qualifying areas to 5. Each of these areas meets one or more of the following criteria:

- o Minimal water and sewer extension costs
- o Clearly urbanized
- o Location within urban growth area
- o Eliminates inconsistency in corporate limits

The following summary information for each area will provide more detail on how the area meets these criteria, as well as other basic information about the area.

Area	Tax Value	Population	Properties	D.U.	Acres
Lowes Area	\$8,715,400.00	219	38	88	72.2
Upper Sondley	\$3,039,400.00	21	16	10	17
Best Inn	\$2,560,400.00	0	1	0	2.9
Old Dominion	\$1,144,600.00	0	1	0	15.5
Arden Area	\$15,926,300.00	171	114	72	124.9
Totals	\$31,386,100.00	411	170	170	232.5

Mr. Benson then reviewed with Council the following areas:

Lowes Area - This area, located in West Asheville, is characterized by mixed-use development ranging from high-value commercial along Smoky Park Highway, including Lowes, to lower density single-family residences both site-built and manufactured on Old Haywood Road. Infrastructure is also mixed with good service to much of the area, but with some deficiencies, especially in sewer and streets, in a part of the area. This area would close a distinct notch in the existing corporate limits by eliminating the only pocket on land on the south side of Old Haywood Road not in the city.