

Tuesday – April 17, 2001 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Terry Bellamy; Councilwoman Barbara Field; 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 Burleson

Absent: Councilman Edward C. Hay Jr.

**CONSENT:**

**Schnabel Engineering Associates Task Force for Bee Tree Dam Construction Phase Engineering – For Information Only**

Summary: The Regional Water Authority will consider authorizing the Chairman to execute Task Order No. 6 amending the Authority's contract with Schnabel Engineering Associates at their regular meeting on April 17, 2001.

The Regional Water Authority authorized an engineering services contract with Schnabel Engineering Associates in 1997 under the company's former name of Applied Geosciences & Engineering. Services were related to the needed reconstruction of a spillway for the Bee Tree Dam and other repairs and rehabilitation to both the Bee Tree Dam and the Burnette (North Fork) Dam. Since 1997, five Task Orders have been executed authorizing engineering services through the design and bidding phases of the project, and including the construction of the grouting of the Burnette Tunnel.

The project will be moving to the construction phase this month as Hickory Construction Company mobilizes to the sites. Task Order No. 6 addresses the engineering services for the construction phase. These services include contract administration, shop drawing review, field construction observation services, and quality control for concrete, geotechnical, and structural engineering. As part of these services, Schnabel will evaluate the construction quality closely enough to properly administer the construction contract and to provide an important engineering certification to the North Carolina Land Quality Section as required by Dam Safety regulations.

Schnabel initially requested a fee just over \$750,000 for construction phase services. Through discussions of the service, the staff and Schnabel have been able to agree on a ceiling of \$693,144, with fees billable based on the actual services provided which to some degree is a function of the length of the contract period (if the project is finished early, which is Hickory Construction Company's intention, the actual engineering fees will be less). The staff has also identified points where the engineer must get the Owner's permission to increase the level of observation services.

Article IV of the Supplemental Water Agreement authorizes the Regional Water Authority to award and amend contracts for engineering services. No action is required by the City Council but this report is offered for information only.

**Semi-Annual Report of the Regional Water Authority – For Information Only**

Summary: This is the semi-annual report for the Water Resources Department and the Regional Water Authority for July 1, 2000 – December 31, 2000.

Article IV, Section D of the Water Agreement states that the Authority shall make semi-annual reports to the City and County. Each year, in the early spring, staff provides a brief semi-

annual update of the accomplishments of the Water Resources Department and the Authority. A more detailed annual report is provided in approximately October.

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The semi-annual update for July 1, 2000, through December 31, 2000, highlights Phase I Water Distribution Improvements that were completed in December 2000, a \$27 Million Five-Year Capital Improvements Plan that will be funded with two revenue bond issues in 2001 and 2002, and Critical Needs Projects that will be substantially funded with NC State Grants. This semi-annual update also summarizes the Watershed Projection Project, routine system maintenance, water supply and quality, and the education and efficiency program.

No action by the City Council is required.

### **Budget Amendment re: Grant for Carolinas Preservation Commission Conference**

Summary: The consideration of a budget amendment, in the amount of \$14,750, for the Carolinas Historic Preservation Commission Conference hosted by the Historic Resources Commission of Asheville and Buncombe County (HRC).

The purposes of the conference are to provide training for new commission members and staff and continuing education for those more experienced. This is the first year that this event is being offered jointly by North and South Carolina. The program reflects the experiences, expertise, and strengths of both states.

The University of North Carolina at Asheville will serve as conference headquarters. Sessions will be held on campus and in the historic districts. With six National Register districts, three locally designated districts, and over sixty individual National Register listings and landmarks, Asheville offers an especially rich environment for the field sessions and special events.

This conference will be a superb commissions-to-commissions training event. The North Carolina State Historic Preservation Office has awarded the HRC a \$2,000 grant to cover the cost of the bus tour and honorarium. All other expenses will be covered by the \$55 registration fee and includes all sessions, meals, and events.

City staff recommends adoption of the budget amendment.

### **Preventive Maintenance Contract**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Paving Enterprises Inc. for the Preventative Maintenance Contract 2000-2001.

The City annually budgets for paving city streets that are in need of repair as listed on the Institute for Transportation, Research and Education (ITRE) report. City Engineering and Public Works staff reviewed several streets that were listed on the ITRE report and chose six streets to be maintained by application of both crack seal and a full coverage resurfacing treatment based upon their condition and the staff members opinion of probable cost to resurface.

The Engineering Department has developed construction documents and specifications for preventative maintenance for Phifer Street, Kensington Drive, Jeffress Avenue, Mt. Vernon Place, Lucerne Avenue and Mountain Terrace.

The engineer's estimate for Contracted Pavement Preventative Maintenance 2000-2001, was \$204,804 for

these streets. Money for the project is currently budgeted in the Public Works Department's operating budget.

The project was advertised for one month. The Engineering Department received bids on February 28, 2001. Only one bid was received at this bid opening. The sealed bid was returned to the bidder unopened. The project was immediately re-advertised for one week. The Engineering

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Department held a second bid opening on March 14, 2001. One bid was received and opened. The bid was \$198,040.

The construction time for this phase of the project is identified as 90 calendar days in the contract documents.

City staff requests City Council authorize the City Manager to execute a contract with Paving Enterprises, Inc. in the amount of \$198,040.00.

### **Contracted Paving Contract**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with APAC Carolina Inc. for the Contracted Paving 2000-2001.

The City annually budgets for paving city streets that are in need of repair as listed on the Institute for Transportation, Research and Education (ITRE) report. City Engineering and Public Works staff reviewed several streets that were listed on the ITRE report and chose six streets to be resurfaced based upon their condition and the staff members opinion of probable cost to resurface.

The Engineering Department has developed construction documents and specifications for resurfacing Grindstaff Road, Hilliard Avenue (from Clingman Avenue to West Haywood Street), Melton Drive, Brookcliff Drive, Starmount Drive, and Russell Street.

The engineer's estimate for Contracted Paving 2000-2001 was \$350,800 for these streets. Money for the project is currently budgeted in the Public Works Department's operating budget.

The project was advertised for one month. The Engineering Department received bids on February 28, 2001. Only one bid was received at this bid opening. The project was re-advertised for one week. The Engineering Department held a second bid opening on March 14, 2001. Two bids were received and opened. One bid was from APAC Carolina Inc. in the amount of \$260,325.00, and the other bid was from Paving Enterprises Inc. in the amount of \$304,643.39.

The construction time for this phase of the project is identified as 90 calendar days in the contract documents.

City staff recommends that City Council adopt a resolution authorizing the City Manager to execute a contract with APAC Carolina Inc. in the amount of \$260,325.00 for the Contracted Paving 2000-2001.

Upon inquiry of Councilwoman Bellamy, City Engineer Cathy Ball said that she would contact Mountain Housing Opportunities for possible coordination of projects in the Clingman Avenue area.

### **Grant Application to HUD for Lead Based Paint Hazard Control**

Summary: The consideration of an application to the U. S. Department of Housing and Urban Development

for a Lead-Based Paint Hazard Control Grant.

City staff is developing an application to the U.S. Department of Housing and Urban Development for approximately \$1,700,000 to fund a three year program to reduce Lead-Based Paint Hazards in the City of Asheville and the Asheville Regional Housing Consortium Area (Buncombe, Henderson, Madison and Transylvania Counties).

This program, which is being developed in close coordination with UNC-A's Environmental Quality Institute (EQI) and other governmental and non-profit agencies, will identify housing units

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occupied by low- and moderate-income families which contain lead-based paint. The level of risk in each unit will be assessed, and appropriate, cost-effective, hazard control measures will be carried out, followed by a clearance test to demonstrate that the unit is safe for occupancy.

This application will benefit greatly from its association with a national program, under development by EQI, to distribute do-it-yourself lead test kits to homeowners and renters and to follow up positive tests with advice and materials for the residents to carry out their own preventive controls. The partnership with EQI will provide both matching funds and a competitive edge for this application compared with others nationwide. The City will also partner with other non-profit agencies active in housing rehabilitation and repair.

The due date for the application is May 17, 2001.

City staff recommends approval of the resolution authorizing the grant application.

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.

### **METROPOLITAN SEWERAGE DISTRICT BOARD**

Mr. Billy Clarke, attorney for the Metropolitan Sewerage District Board of Directors, briefed Council on exactly what the Metropolitan Sewerage District is and the Sewer Consolidation Agreement.

Mr. Tom Hartye, General Manager of the Metropolitan Sewerage District of Buncombe County (MSD), reviewed with Council their Capital Improvement Program, finances, and their Master Plan initiatives.

Mr. Hartye, along with former General Manager Bill Mull, answered various questions from City Council, some being but are not limited to: what is MSD's policy regarding extension of lines and why does MSD have that policy in place; does the Board take into account smart growth principles; and are there any plans to serve residents in the City limits who do not have sewer.

Councilwoman Field, MSD Board member, advised City Council on some other issues the MSD Board is dealing with at this time.

On behalf of City Council, Mayor Sitnick thanked the members and MSD staff for meeting with City Council.

### **REPORT FROM THE SUSTAINABLE ECONOMIC DEVELOPMENT STRATEGIC PLAN IMPLEMENTATION TASK FORCE**

Mr. Jack Cecil, Chairman of the Sustainable Economic Development Plan (SEDP) Implementation Task Force said that City Council simultaneously adopted the SEDP and appointed the Implementation Task Force (ITF) on May 23, 2000. The ITF held its first meeting June 16, 2000, and has been meeting on a

monthly basis ever since.

The Plan is oriented toward a goal of positioning Asheville to attract "knowledge-based" enterprises; and, it lists approximately fifty specific action strategies, divided among four broad priority areas, determined by citizens to be important to achieving that goal. The broad priority areas include: The Development Process, Real Estate, Riverfront, and Workforce/Education.

The ITF was appointed to serve in an advisory capacity. It was to prioritize the strategies outlined in the Plan, work with city staff on implementation options, and make recommendations to Council. In

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that capacity, and following that direction, the ITF has approved and is making a project recommendation for Council's endorsement.

Mr. Cecil then provided the following update on the work to date of the ITF in each of these areas:

**DEVELOPMENT PROCESS:** (1) The Task Force is recommending the city Planning Department encourage and provide for higher density, mixed use development via performance based ordinances and standards; and (2) Continued regular meetings with the development community are encouraged for input regarding specific proposals for changes, improvements, etc. to processes, standards, and ordinances. Both of these are the primary responsibility of internal city staff.

**REAL ESTATE:** (1) Addressing the shortage of industrial real estate is a key priority. Within the City, the Task Force recommends evaluating appropriate areas for redevelopment for industrial use as well as adapting zoning to permit light assembly and/or high tech manufacturing uses in some office or commercial areas; (2) The Task Force feels the longer term solution is to work cooperatively with Buncombe County and other adjacent jurisdictions on a regional approach for developing major industrial parks; (3) The Task Force recommends the city assist AB Tech in the development of the proposed incubator; and (4) The Task Force supports development of a sustainable land use pattern and has recommended the city Planning Department incorporate this approach in their new Comprehensive Plan. This approach would preserve quality neighborhoods, reserve areas for business and industry, continue a viable downtown, develop connecting transportation corridors, build greenways, and protect environmentally sensitive areas. As with the Development Process recommendations, these are also primarily the responsibility of city staff.

**WORKFORCE EDUCATION & TRAINING:** (1) A workforce skills assessment coupled with a business/industry needs assessment is recommended; (2) Cooperation between business & industry and education is needed to improve education & training service delivery; (3) Review current master plans at area institutions to determine how future workplace needs are being met; and (4) The Task Force recommends convening a "think tank" of retired and active CEOs to explore ways to improve workforce education and training. Frankly, most of these initiatives are already underway through the actions of the Asheville Area Chamber of Commerce, AdvantageWest, and A-B Technical Community College. The Task Force is currently determining what role, if any, the City has in any of these particular initiatives. Regardless of the extent of the City's involvement in this area, the fact that workforce education and training was deemed to be a priority area in the Plan is testament to the importance of labor force skills in attracting and retaining economic development activity. This is particularly true as the community tries to move toward competing in a more knowledge-based economy.

**RIVERFRONT DEVELOPMENT:** The Task Force recommends development of the Asheville Riverside Parkway. The Implementation Task Force is proposing that the collection of existing roads (roughly 9 miles) currently serving the riverfront corridor be renamed and redesigned into a unified, continuous, multi-lane "parkway" type roadway between the two points between the intersections of Swannanoa River Road at Tunnel Road in east Asheville and Broadway at 19-23 in northwest Asheville. It also includes that portion of the French Broad River that parallels Amboy Road between I-240 and Meadow Road. The "Riverside Parkway" would have a single name along the entire corridor (currently there are four different road names – Riverside Drive, Lyman St., Meadow Road, and Swannanoa River Road) and state and local signage would be created to identify the corridor and, placed so as to direct traffic to and through it. Redesign would

incorporate a planted median, landscaping, pedestrian, bicycle, and transit facilities, and at various locations, public parking providing convenient access to a greenway. The group also advocates the city begin immediately to identify the specific "footprint" and fund construction of the greenway along both rivers. Amboy Road would remain so named but would also be redesigned and upgraded in a manner consistent with the Parkway. Finally, planning should integrate necessary improvements to other local "feeder" streets and roads connected to this corridor. The Task Force suggests that only after this infrastructure is planned, funding put in place, and construction

underway, can a wholesale redevelopment of the corridor be advanced to the full extent of the vision as expressed in the goal statement.

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ITF members held a meeting to discuss the proposal with staff in the Planning and Engineering Departments, and with the approval of the City Manager, those departments are preparing to incorporate the project into their work plans.

The ITF and City staff is recommending Council endorsement of the Riverside Parkway concept and granting staff authority to begin project planning.

Mr. Cecil responded to various questions from Council specifically noting that the ITF will be seeking public input into this project.

Mayor Sitnick suggested Mr. Cecil make this presentation to the Transportation Advisory Committee and the Transportation Coordinating Committee .

Mayor Sitnick suggested a representative from the ITF be involved with the green building roundtable which will be held in October. The roundtable will be to develop information for a green building guide which will contain information for to the community for green buildings. Mr. Cecil said that he would ask the ITF at their next meeting if someone would be interested in participating in that roundtable discussion.

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.

## **2001 CONSOLIDATED ACTION PLAN**

Due to a conflict of interest, Councilman Worley moved to excuse Councilwoman Bellamy from participating in this matter. This motion was seconded by Councilman Peterson and carried unanimously.

Ms. Charlotte Caplan, Community Development Coordinator, said that the City expects to have available \$1,839,656 in CDBG funds and \$1,422,966 in HOME funds to spend on housing and community development activities in the fiscal year beginning July 1, 2001. The City's Housing and Community Development Committee (HCD) and the Asheville Regional Housing Consortium have made recommendations for allocating these funds to 22 CDBG-assisted and 14-HOME assisted projects.

In addition, the HCD Committee recommends that the City apply for a CDBG Section 108 Guaranteed Loan in the amount of \$850,000 to assist Eagle/Market Streets Development Corporation in

a major redevelopment effort in South Pack Square. A draft loan application is in preparation. It can be made part of the Action Plan or it can be submitted separately.

If approved, the funding will assist in adding or preserving 188 affordable housing units in the City and 162 units in the rest of the Consortium area (Buncombe, Henderson, Madison, and Transylvania Counties), will provide 3,300 Asheville residents with other needed services, and will assist in a major revitalization of the South Pack Square neighborhood.

Notice of the public hearing and a summary of the draft plan was published on April 6. A 30-day public comment period is required by federal regulations. The final plan must be submitted to HUD on or before

May 15, 2001.

No action is needed at the public hearing scheduled for April 24, 2001. Approval of the draft Action Plan is recommended at the May 8, 2001, Council Meeting.

### **UPDATE ON THE FEASIBILITY OF TWO-WAYING COLLEGE AND PATTON**

City Engineer Cathy Ball said that this is an update from City staff on the status of the feasibility study evaluating the possibility of converting College Street and Patton Avenue from one-way pairs back to two-way streets. She said that this information will be made available to the public and she wanted City Council to be briefed on the report first.

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During the design of Prichard Park, staff recommended an evaluation of converting College Street and Patton Avenue from one-way pairs back to two-way streets. The reason for this request was to improve traffic access to some areas, to allow for an improved pedestrian environment, and to enhance the downtown as a destination. The consultant for the Prichard Park project briefly examined the possibility of the conversion but did not finalize the report due to budget and time constraints.

The City recently contracted with Kimley-Horn Associates to complete the feasibility study for converting College Street and Patton Avenue to two-way streets. Their study to date has determined that it is feasible to convert those streets to two-way traffic and still maintain an acceptable level of service at all of the intersections.

Mr. Mark McDonald, consultant with Kimley-Horn Associates, said that the study's purpose was to determine the operational feasibility of converting the existing College Street-Patton Avenue one-way pair in Asheville's Central Business District to a configuration that will reasonably accommodate two-way traffic patterns.

The study methodology included: (1) assemble data: traffic counts, intersection geometrics, timings, etc.; (2) grow and restrict volumes for horizon year 2003; (3) assume basic lane configurations and run preliminary analyses; (4) check needs against assumptions, revise and re-analyze; (5) identify critical conditions and develop recommendations; and (6) prepare intersection schematics and report.

Objectives included (1) accommodating traffic flow through the Central Business District; (2) retaining on-street parking wherever possible; (3) maintaining and enhancing a pedestrian-friendly atmosphere; and (4) coordination with plans for Prichard Park and Pack Square.

The study results revealed that (1) conversion is feasible with the following traffic-related impacts: (a) reduced capacity and a general decline in level-of-service ratings; (b) more vehicle-vehicle and vehicle-pedestrian conflicts; and (c) the loss of 10-12 on-street parking spaces and several loading areas; and (2) implementation will require (a) the reconstruction of most intersections; and (b) significant upgrades to traffic signals, signing, and pavement markings.

Areas of concern were (1) "Ground Zero" at Pack Square (a) modify signal phasing for westbound N. Pack Square traffic; and (b) Biltmore Avenue/Broadway Street is a state route; changes must be approved by the N. C. Dept. of Transportation; and (2) Prichard Park Triangle (a) divert primary through traffic eastbound onto College Street; and (b) direct northbound traffic onto Patton, then left onto Haywood.

Preliminary recommendations include (1) restrict northbound left turns from Biltmore Avenue at Patton Avenue; (2) restrict eastbound left turns from College Street at Haywood Street; (3) enlarge corner radii to accommodate new turning movements; (4) remove traffic signals at South Pack Square and Market Street; and Patton Avenue and Haywood Street/Church Street; (5) upgrade remaining signals to conform with

MUTCD guidelines; (6) revise timing to accommodate new two-way patterns; (7) provide advance directional signing for eastbound through traffic; and (8) upgrade all pavement markings and signing.

Planning & Development Director Scott Shuford briefly explained some benefits for this change. They included: destination concept, improved access to businesses and parks along roadway and an improved pedestrian environment with calmed traffic.

Mr. Shuford explained that even though this is a feasible project, staff will report back to Council after analyzing the pros and cons of this possible conversion so City Council can make an informed decision.

Discussion surrounded whether we want people to come into downtown and look at the shops or just to get them through the downtown area as quickly as possible to get to another part of town. In

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addition, the cost for this project will be very important because there are many other areas in the community that need attention.

Ms. Ball said that the City is working with the N. C. Dept. of Transportation to study the feasibility of replacing traffic signal hardware and software in the City and if Council decides to proceed with this project, it could all be tied together to reduce the cost.

### **POLICY RE: APPOINTMENT OF COUNCIL MEMBERS TO BOARDS & COMMISSIONS**

Mayor Sitnick said that she asked City Attorney Oast to prepare a policy regarding termination of Council member appointments to Boards and Commissions. Said policy reads:

"The Asheville City Council from time to time appoints one of its own members to serve on boards and commissions, and to represent Council's interest in the business that comes before that board or commission. It is not Council's practice to terminate its appointments prior to the expiration of the term for which the appointment was made, even where the authority exists to do so. However, with respect to any appointment of a Council member where that appointment is at the pleasure or discretion of Council, or with respect to which Council's power to terminate the appointment is not prescribed or limited by law or ordinance, Council reserves the right, in the event that the Council member appointed ceases to serve on the City Council, to terminate the appointment, and appoint a current member of the City Council. Nothing herein shall be construed to limit Council's appointment power, or the power to terminate appointments, with or without cause, with respect to any board or commission to which it may appointment members."

Mayor Sitnick pointed out that the reason that a Council member is appointed to a board is because some of our boards are authority-making boards and Council needs to make sure that their interests are being represented.

City Attorney Oast noted that this proposed policy doesn't give City Council any more power than they already have.

Vice-Mayor Cloninger said he would want to make the policy prospective.

Councilman Worley said that this policy will at least put each Council member on notice. However, he felt City Council should have the flexibility in dealing with each appointment on a case by case basis.

Councilwoman Field felt that just because a person is no longer a member of Council doesn't mean that they cease to be able to represent the Council.



Mayor Sitnick personally favored a policy that a Council member is automatically removed from a board if they are not reelected to Council and that it be effective at the next election. That way, the person going off the board won't feel like they have been assessed to be inadequate. She didn't think the proposed policy outlined above gives City Council the representation they need.

Councilman Peterson felt that having a current Council member on a board not only serves the board better, but City Council better as well. The current Council member has the knowledge of everything that is going on and that experience will serve the board better.

Vice-Mayor Cloninger felt that an automatic removal if not re-elected to Council is narrowing Council's options.

City Attorney Oast suggested not making this amendment to the City Council's Rules, but that it be a policy outside of the rules.

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.

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### **CITY WATER AUTHORITY REPRESENTATIVES**

At the request of Mayor Sitnick, it was the consensus of City Council to invite the three City representatives to the Regional Water Authority to the May 1, 2001, worksession to discuss water-related issues.

The City Manager was also instructed to advise the Council when he would be ready to bring a comprehensive report to Council regarding the Water Authority, in particular problems with the Water Agreement and the issue the Water Authority is discussing of being a separate Authority.

### **CLOSED SESSION**

At 6:35 p.m., Councilman Peterson 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 – G.S. 143-318.11 (a) (5) and that the meeting be moved to Room 209 of the City Hall Building. This motion was seconded by Councilman Worley and carried unanimously.

At 7:19 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

### **ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 7:19 p.m.

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CITY CLERK MAYOR

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