
Debt Service

Debt service is for 1992 General Obligation Bonds, 1996 Revenue Bonds and Loan, and a new \$13.3 million revenue bond issue in February 2001. This bond issue will fund capital needs including Bee Tree Spillway, NCDOT projects, master plan projects, Mills River Water Treatment Plant uprating, and future use of Bee Tree water supply.

Capital Equipment

Staff is recommending replacing 2 air compressors, a backhoe, two dump trucks, and ten vehicles at a total cost of \$477,000. The purchase of vehicles has been limited for over four years and many have far exceeded their useful life (the majority are over 9 years old). A comprehensive evaluation of capital equipment replacement is reflected in the current 5-year replacement plan, which is more uniform and sustainable for future planning.

Long Term Planning

The Regional Water Authority bases their recommendation for Fiscal Year 2001-02 on their financial consultant's long-term (5-year) financial plan and staff's recommendation for an 80-year replacement schedule of water system assets. This plan calls for minimum annual rate increases of approximately 3.1% over the next five years in order to maintain financial sufficiency, meet future debt service, and fund capital improvements.

He said that the Regional Water Authority is recommending that the City Council approve the proposed Fiscal Year 2001-02 Water Fund Budget, which includes a 3.1% rate increase and totals \$21,917,801. Mr. Tate felt this is a responsible rate increase.

Mr. Tate answered various questions from City Council, some including, but are not limited to: what is the history of the water rate increases, is there a study being performed on rates for industrial customers vs. residential uses, and will the mapping program started on a few years ago be used in conjunction with the new program.

Mayor Sitnick wanted to see the water rate structure issue dealt with quickly, fairly and equitably to everyone involved.

It was the consensus of City Council to have City staff work with Mr. Tate and other representatives of the Regional Water Authority, along with representatives of Buncombe County to see if the difference between a 2.5% rate increase recommended by the City Manager and the 3.1% rate increase recommended by the Regional Water Authority can be reconciled.

At 4:52 p.m., Vice-Mayor Cloninger left the meeting.

Mayor Sitnick announced a five minute break.

UDO AMENDMENT REVIEWS

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

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to the public hearing, which is scheduled on June 26, 2001. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Establishing Standards for Non-Residential Access onto Residential Streets

Chief Planner Gerald Green said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) to limit access by non-residential uses onto residential streets.

The Planning and Zoning Commission has recommended adoption of an amendment to the UDO limiting access by non-residential access onto residential streets. Access onto residential streets by non-residential uses located on corner and through lots can impact the residential character of the residential streets. Currently, the City Council often reserves a strip of residentially zoned property along the residential street frontage to limit access onto the residential street by non-residential uses. This results in a cumbersome zoning pattern and restricts the use of the residentially zoned property for buffering and other appropriate uses. The proposed standards would not apply to non-residential uses permitted in residential zones, such as churches, schools, and libraries, or to non-residential uses located in non-residential or mixed use zoning districts that have their only access onto residential streets. Non-residential uses located on corner lots, through lots, and other lots with frontage on more than one street would be required to have their access from the street that is abutted by similar uses. Access onto residential streets by non-residential uses located on corner lots would be permitted if certain conditions are met and the City's Traffic Engineer approves the proposed access. As proposed, the standards would preserve the residential character of streets that function primarily to provide access to residences. The proposed ordinance amendment identifies clear standards for access, making it easier for staff, developers, and citizens to understand and adhere to them.

The Planning and Zoning Commission voted unanimously to recommend approval of the wording amendment limiting access by non-residential uses onto residential streets. The Planning and Development staff recommends approval of the wording amendment.

Upon inquiry of Councilwoman Field, Mr. Green said that the Traffic Engineer will work with site professionals on a case by case basis when access onto a commercial highway may not be reasonable.

Revisions to Soil and Erosion Control Ordinance

Assistant City Engineer John Echeverri said that this is the consideration of amendment to the Unified Development Ordinance (UDO) regarding Soil/Erosion and Sedimentation Control.

The N. C. Dept. of Environmental & Natural Resources issued revisions to The Sedimentation Pollution Control Act dating October 1999 and July 2000 to the City of Asheville. The UDO sections for Erosion Control will be affected by those changes.

Changes are made in accordance with the Sedimentation Pollution Control Act (Title 15A Chapter 4) revisions from October 1999 and July 2000. Summary of the major changes are as follows:

- When deemed necessary by the approving authority Pre-Construction conference may be required. (Sec. 7-12-2)
- The time for establishment of a permanent ground cover will shorten to 15 working days or 90 calendar days, whichever is shorter. (Sec. 7-12-2)
- Maximum Civil Penalty for violating the Act increases from \$500.00 to \$5000.00 per day. (Sec. 7-18-2)

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- The Act clarifies that a person may be assessed a one-time civil penalty of up to \$5000.00 for the day the violation is first detected. (Sec. 7-12-2)
- A copy of the Erosion Control Plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the director of the division of water quality. (Sec. 7-12-2)
- Project sites that meet the Hillside area development Sec. 7-12-4 of this chapter, shall submit documentation prepared by a registered professional showing drainage configuration as well as bank stabilization when land-disturbing activity between 5,000 and 10,000 square feet is undertaken. (Sec. 7-12-2)
- Changed several minor typographical errors and clarifications. (Sec. 7-5-13; & 7-12-2)
- Name of the Erosion Control Committee will be changed to the Development Review Committee so that the duties could be broadened. (Sec. 7-12-2)

The Engineering Department request that City Council adopt the ordinance of changes for the UDO Sections 7-5-13, 7-12-2, and 7-18-2 regarding soil/erosion and sedimentation control.

Upon inquiry of Councilwoman Field, Mr. Echeverri said that he would investigate the provision regarding the time for establishment of a permanent ground cover and have it clarified for City Council before the public hearing.

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 hearings on June 26, 2001.

LICENSE AGREEMENT WITH TRITON PCS FOR CONCEALED WIRELESS COMMUNICATION TOWER AT 300 MERRIMON AVENUE

Field Services Coordinator Ed Vess said that this is the consideration of a Resolution authorizing the City Manager to execute a License Agreement with Triton PCS Property Company, LLC (Triton) for a concealed wireless communication facility at 300 Merrimon Avenue.

The building at 300 Merrimon Avenue is the historic Fire Station #4 and is currently known as the Harley Shuford Arson Task Force Building. The property is listed in the National Register of Historic Places and is one of the oldest fire training towers in the United States. The training tower is in need of structural reinforcement and rehabilitation.

In conjunction with the proposed License Agreement Triton will carry out the rehabilitation of the training tower in accordance with plans approved by City staff and the State Historic Preservation Office. The cost of the rehabilitation, estimated at \$60,000, will be paid by Triton. Triton will install a 15' flag pole on top of the training tower which will house their concealed wireless communication facility along with a 9' x 13' equipment shed on the ground at the rear of the building. The term of the License Agreement will be 5 years with one period 4.5 year renewal period. Triton will pay a License Fee of \$14,400 the first year with a 4% annual increase each year thereafter.

Planning Department staff recommends adoption of 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.

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ADVERTISE FOR UPSET BIDS FOR PORTION OF 36 GROVE STREET

Finance Director Bill Schaefer said that this is the consideration of a resolution directing the City Clerk to advertise an offer to purchase for upset bids for a portion of 36 Grove Street.

36 Grove Street is located on the east side of Grove Street in downtown Asheville and zoned Central Business District. The 1.05 acres lot is improved with a building currently being used as the Senior Opportunity Center and a parking lot. The bid from BOC Enterprises, in the amount of \$111,000, is for the parking lot portion of the property which comprises 0.57 acre and includes the stipulation for the City to retain a non-exclusive parking easement on the property in order to continue to provide parking to the Senior Opportunity Center. The site proposed to be purchased with the parking easement encumbrance was appraised by Mark Morris at a fair market value of \$111,000.

The proposal from BOC Enterprises is made in order to facilitate the expansion and renovation of the building at 48 Grove Street. The total project cost for 48 Grove Street is expected to exceed \$3,000,000. The sale of the property will result in an increase to the tax base and improvement of the Grove Street area.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Finance Department and Parks and Recreation Department staff recommend adoption of the resolution.

Discussion surrounded wanting to make sure there was adequate parking for the Senior Opportunity Center.

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.

SALE AND/OR TRADE OF CITY PROPERTY FOR THE JAIL DETENTION CENTER

City Manager Jim Westbrook said that pursuant to City Council's direction, he has completed negotiations with the County for the sale and/or trade of City property for use as a jail detention center.

Based on direction for City Council, he has been negotiating with Buncombe County for the use of City-owned property directly behind the current jail site for a proposed jail detention center. Since there were other properties in the area that the City desired to acquire from the County, he proposed a combination sale and trade of properties which would allow the County to purchase the property the City owns and the City to acquire two properties that we need from the County.

The details of the negotiations are summarized below.

1. The City will sell to the County property located behind your current jail for two pieces of property which the County owns as follows:

The appraised price of the City-owned parking lot \$750,000

(Marjorie, Davidson, Valley Streets) PIN No. 9649.19-50-4467

Less property owned by Buncombe County (Marjorie and Eagle Streets) -364,000

PIN No. 9649.19-50-2118

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Less property owned by Buncombe County (Valley, Marjorie & Davidson Sts.) -243,500

PIN Nos. 9649.19-50-4350, 5310, 5325, 5326

Cash Due City \$142,500

2. Since both the County and the City are using the property described in Item 1 above as parking lots, the agreement will include cross-easements to allow for the City and County to continue to park as we do currently. When either the City or the County starts a construction project on the lots, then the parking for City and County employees will revert to align with the ownership of the property.
3. The current lease between the City and the County for the property located between Marjorie and Eagle Streets (PIN No. 9649.19-50-2118), which the City will purchase with this new agreement, will terminate with no further obligation by either party.
4. The property which the City will sell to the County (PIN No. 9649.19-50-4467) located behind the current jail will be used exclusively for jail and/or jail related facilities during a 12 year period beginning with the date the property is sold to the County.
5. The property which the City will sell to the County (PIN No. 9649.19-50-4467) located behind the current jail will be used for jail and/or jail related facilities, governmental offices, or governmental uses after the initial 12 year period.
6. For a period of 12 years from the date of conveyance, the height of any building constructed on the lot behind the current jail (PIN No. 9649.19-50-4467) may be no higher than the top of the balustrade on the second floor of the City Building. This restriction is in addition to the City's zoning regulations. After the expiration of the 12 year period, the City's zoning regulations would continue to apply.
7. The City and the County will continue to work together for a Master Plan of the governmental complex area located in the downtown so that in the future such expansions by the City and/or County can be better planned with regard to traffic, supporting and ancillary facilities.

In a telephone conversation, Assistant County Manager Jon Creighton indicated the above seven points would be acceptable to the County and that he would ask the Commissioners to take action at their June 5, 2001, meeting. Of particular note is the agreement between the City and the County to Master Plan the governmental complex area located in downtown so that future governmental building expansions can be preplanned to the maximum extent possible. It also allows the City to acquire two pieces of County property that may be needed in the future for additional parking, and to help make up the loss of parking spaces when construction begins on the property sold to the County.

City staff recommends Council approve the sale of the City-owned parking lot (PIN No. 9649.19-50-4467) for \$750,000 to Buncombe County; the purchase of Buncombe County property (PIN Nos. 9649.19-50-4467; 9649.19-50-4350; 9649.19-50-5310; 9649.19-50-5325, and 9649.19-50-5326) by the City; to further instruct the City Manager to allow for the cross-easements as described in Number 2 above through written agreement with the County; to provide for the termination of any agreements or understanding with regard to the property owned by the County between Marjorie and Eagle Streets (PIN No. 9649.19-50-2118) as described in Number 3 above; and such language as would be necessary to cause the City and the County to work toward a Master Plan for the governmental complex as described in Number 7 above. The City Attorney is instructed to prepare the deeds in such a manner that the property sold to the County (PIN No. 9649.19-50-4467) is to be used exclusively for jail and/or jail related facilities for the first 12)years as described in Number 4 above, and the use of the property by the County for jail and/or jail related facilities, governmental offices, or governmental uses after the initial 12 year

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period as described in Number 5 above, and the height of the initial building for the first 12 years of the

agreement as described in Number 6 above.

Councilwoman Bellamy hoped that Buncombe County will involve Pastor Grant from the Mt. Zion Missionary Baptist Church in their discussions of design and that the City involves the Church when discussions begin about the parking deck.

City Attorney Oast said that the title work on these properties are not completed yet and the City will need to make sure that they can obtain good title on the parcels.

Mr. Jason Cline, representing Community of Compassion, spoke against the City selling and exchanging property with Buncombe County for the jail detention facility.

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.

CANCELLATION OF JULY 3, 2001, WORKSESSION

It was the consensus of City Council to cancel the July 3, 2001, City Council worksession.

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.

BOARDS AND COMMISSIONS

City Council instructed the City Clerk to arrange for various interviews on several boards and commissions.

CLOSED SESSION

At 6:07 p.m., Councilwoman Field moved to go into closed session and adjourn to Room 209 of the City Hall Building (1) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations, provided that any action authorizing the payment of economic development incentives will occur in open session - G.S. 143-318.11(a)(4); and (2) 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 a lawsuit involving the following parties: Kathlyn Marie Stein, Michael Hootstein, Buncombe County Schools, Michael and Rose Dixon and City of Asheville – G. S. 143-318.11 (a) (3). This motion was seconded by Councilwoman Bellamy and carried unanimously.

At 8:42 p.m., Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 8:42 p.m.

CITY CLERK MAYOR
