

Tuesday – August 7, 2001 - 3:00 p.m.

Worksession

Present: Vice-Mayor M. Charles Cloninger, Presiding; 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 Burleson

Absent: Mayor Leni Sitnick

CONSENT:

Contract for Maple Springs Road Sanitary Sewer System Improvements

Summary: The consideration of a resolution awarding the contract for Maple Springs Road Sanitary Sewer System Improvements to T & K Utilities, Inc., in the amount of \$132,760.00.

This project will provide sanitary sewer service to several parcels on Maple Springs Road, which were inadvertently overlooked for service at the time of the 1983 annexation. It is called the Maple Springs Road Sanitary Sewer System Improvements and consists of the installation of approximately 1,713 linear feet of eight-inch (8") diameter sanitary sewer line and 350 linear feet of four-inch (4") diameter sanitary sewer service line and related appurtenances.

The Engineering Department received and publicly opened eight (8) bids on Thursday, July 19, 2001, at 2:00 p.m. After a thorough review of the bid documents by the Engineering Department and the Office of Minority Affairs, T & K Utilities, Inc., was found to be the lowest responsible bidder with a total bid of \$132,760.00. The Engineer's estimate for this project was \$163,430.00.

Funding for this project is included in the Fiscal Year 2000/2001 Capital Improvement Program and will be financed through the two-thirds bonds, previously issued by the City.

T & K Utilities Company, Inc., has performed several projects of this nature in the past in a satisfactory manner.

The construction time for this project is identified as 90 calendar days in the contract documents. The contractor will be required to pay the sum of \$250.00 as liquidated damages for each and every calendar day that he shall be in default after the time stipulated in the contract.

Staff recommends that City Council accept a resolution awarding the bid for Maple Springs Road Sanitary Sewer System Improvements to T & K Utilities, Inc., and authorize the City Manager to execute all necessary agreements and contracts.

Sand Hill Road Sidewalk Replacement Contract

Summary: The consideration of a resolution authorizing the City to enter into a contract with Candler Concrete Works Inc. to install sidewalks along Sand Hill Road.

The City is in need of a contractor to provide sidewalk installation services for sidewalks along Sand Hill Road in accordance with N.C. Gen. Stat. sec. 143-131. Informal bids for sidewalk installation services were solicited and three responses were received. The bidders are listed below:

Company	MB Part	Drug Free	Bond	Bid
Candler Concrete Works Inc	0	Yes	Yes	\$93,843.75
Mobley Construction Co.	100	Yes	Yes	Disqualified
M&M Construction	100	Yes	Yes	No Bid Booked Up
Calloway Contracting	0	Yes	Yes	Received No Bid
J & R Concrete	0	Yes	Yes	Disqualified
Precision Contracting Inc.	100	Yes	Yes	Received No Bid
Carolina Cornerstone Construction	100	Yes	Yes	Received No Bid

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

The Public Works Department staff recommends City Council adopt the resolution authorizing the City Manager to enter into contract with Candler Concrete Works Inc.

Vice-Mayor Cloninger 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.

UDO AMENDMENT REVIEW

Removal of Requirement for City Council to Set Public Hearings

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 August 28, 2001. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Planning & Development Director Scott Shuford said that this is the consideration of an ordinance to amend the Unified Development Ordinance (UDO) to delete the requirement for City Council to set date for public hearings.

The proposed ordinance amendment would delete the requirement for City Council to set the date for public hearings for review of development proposals, including Level 3 site plan projects, Planned Unit Developments, and conditional uses. Under the current ordinance, City Council must take action at a formal Council meeting to approve (set) the date for a public hearing after that date has been scheduled by the City Clerk. The requirement for Council to officially set the date for the public hearing prolongs the review process by at least two (2) weeks. A public hearing before City Council would still be required under the proposed wording amendment, but the Council would not have to take official action to approve the date scheduled for the public hearing. The change in procedure proposed by the ordinance amendment would result in a more efficient process for all involved – the applicants, the City Council, the City staff, and the general public. The proposed ordinance amendment would help streamline the development review process by removing an unnecessary step. No individual or organization involved in the development review process will be adversely impacted by the simplification of the development review process proposed in the draft ordinance amendment. Staff will keep you informed of these projects and requests by providing you with a memorandum detailing the project or request and providing location and development intensity specifics at least two weeks prior to your consideration of the case.

At their July 11, 2001, meeting, the Asheville Planning and Zoning Commission voted 7-0 to recommend approval of the wording amendment eliminating the requirement that City Council

formally set the public hearing date for review of certain development projects. The Planning and Development staff recommends approval of the wording amendment.

City Attorney Oast noted that an amendment to City Council Rules of Procedure will also be required with connection with the change and he will have that prepared for City Council as well.

Upon inquiry of Councilman Worley, Mr. Shuford said that he would look into the feasibility of amending the ordinance further to state who will set the public hearings.

Vice-Mayor Cloninger 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 August 28, 2001.

PACK SQUARE CONSERVANCY AGREEMENT

At the request of Vice-Mayor Cloninger, Councilman Worley moved to excuse Vice-Mayor Cloninger from participating in this matter due to a conflict of interest and to designate Councilman Hay to preside over this item. This motion was seconded by Councilwoman Field and carried unanimously.

Planning and Development Director Scott Shuford said that this is consideration of a resolution authorizing the City to enter into an agreement between the City of Asheville and the Pack Square Conservancy with respect to the design, construction and maintenance of the Pack Square Renaissance Project.

The Pack Square Conservancy is seeking an agreement with the City in order to facilitate the redevelopment and sustained maintenance of the public areas of Pack Square, which includes the City-County Plaza area. The agreement defines roles to be played by both the City and the Conservancy and addresses such issues as funding, design, construction and maintenance.

Following a meeting between the Pack Square Conservancy Chair and City staff, the Conservancy prepared an original draft agreement. The current draft reflects changes requested by City staff.

The Pack Square Conservancy is also seeking this agreement with Buncombe County.

City staff recommends that the City enter into this agreement with the Pack Square Conservancy.

Upon inquiry of Councilman Hay, Ms. Carol King, Chair of the Pack Square Conservancy, explained the current make-up of the 501 (c) (3) board.

Mr. Shuford responded to various questions from Council regarding the term of the contract, what happens if the City want to make an improvement that is not part of the design, and what is the City's financial liability (limited to only what the City accepts as part of the design).

Vice-Mayor Cloninger 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.

BROADWAY/REED CREEK GREENWAY MASTER PLAN

Mr. Alan Glines, Urban Planner, said that this is the consideration of a resolution approving the Broadway/Reed Creek Greenway Master Plan.

Mr. Matt Kern, member of the Greenway Commission, said that in Fiscal Year 2000/01, City Council approved the development of a master plan for the Broadway/Reed Creek corridor as one of the 1¢ projects for Parks and Recreation. A total of \$75,000 was appropriated for this project. The Greenway Commission, along with City staff, decided that the master plan could be developed internally using the Greenway Commission as the lead organization for developing a public process to solicit input. City staff would then take information gathered through the public process and develop a master plan. The savings would result in allowing for funds to be used for actual construction of the corridor. In December of 2000, the Greenway Commission held a public forum which resulted in 75 – 100 people attending. From this meeting, a task force was developed that included approximately 20 individuals who worked with the Commission and staff to further refine the information received from the public forum at a meeting held in March of 2001. During the spring, staff developed a master plan which was shared with the task force on July 25, 2001. Using the savings from this process, plus an additional \$75,000 appropriated from the Fiscal Year 2001/02 1¢ projects, construction can begin on the Broadway/Reed Creek Greenway as early as this winter. He said that the short-term goal is the actual trails. Long term goals include herb gardens, water fountains, historical markers, etc. Those were will added as funds become available in the future.

Mr. Glines then explained the details of the Master Plan, noting that the gravel trail will begin at "5 points" and tie into the system on W. T. Weaver Boulevard.

The Greenway Commission and City staff is recommending City Council approval of the Broadway/Reed Creek Master Plan.

Mr. Glines then responded to several questions/comments from Council, some being, but are not limited to: will the City be using in-house expertise, there will be some integration of art along the trail, and are there parking areas to support the greenway.

Vice-Mayor Cloninger 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.

OTHER MATTERS

Reimbursements to Local Governments

At the request of Vice-Mayor Cloninger, it was the consensus of City Council to place on the next formal meeting a resolution requesting General Assembly support for local government revenues.

Waterline on Fanning Fields Road in Henderson County

Councilman Worley explained that Henderson County requested installation of a regional waterline. The cost of construction has been agreed upon, however, no agreement has been reached on accounting for the cost of administering and maintaining that line. The City has refused to proceed because of failure to agree on all aspects of the line, failure to adopt policies and procedures, and because of recognized need to renegotiate the Regional Water Agreement. The Water Authority is ready to go ahead and contract with Henderson County to oversee construction of the waterline if the City does not do so.

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Henderson County must adopt policies and procedures substantially conforming to the Water Authority's policies and procedures, fees, etc which must be adopted by the Water Authority before the first customer is served by a regional water line. This is in process and will probably be completed by the Water Authority's next regular meeting.

Construction of capital improvements must be in accordance with the Water Authority's Master Plan. The

Regional Water Agreement requires that regional water lines be added to the Master Plan. This is in process. The Water Authority adopted a resolution on August 7, 2001, amending the Master Plan to include the line requested by Henderson County. Buncombe County and the City of Asheville need to approve that amendment.

Councilman Worley suggested the following motion: That the City Council, without prejudice to its position that the Regional Water Agreement procedures with respect to a regional water line have been strictly complied with and without prejudice to the methods and procedures with respect to future requests for regional water lines, agrees (1) to account for, on a temporary basis, the costs, expenses and administration of the regional water line currently requested by Henderson County on a temporary basis and to work with the Chair of the Budget Committee of the Water Authority and with Henderson County to arrive at a mutually agreeable method for such temporary accounting in a cost effective manner; (2) to authorize the City Manager to proceed with the management of the construction of the waterline in the same manner and with the same responsibilities as performed in the construction of other waterlines for the Water Authority; and (3) to agree with the classification of the waterline so constructed as a regional water line as that term is used in the Regional Water Agreement upon the approval of the Henderson County policies and procedures by the Water Authority and upon approval by Asheville City Council and the Buncombe County Commissioners of the amendment to the Water Authority's Master Plan as requested by the Water Authority.

Councilman Worley suggested the following motion regarding the Master Plan amendment: That the City Council, without prejudice to its position that the Regional Water Agreement procedures with respect to a regional water line have been strictly complied with and without prejudice to the methods and procedures with respect to future requests for regional water lines, does hereby approve the amendment to the Master Plan of the Water Authority as approved by the Water Authority on August 7, 2001.

Councilman Worley explained that the Water Authority has postponed their meeting held earlier in the day until tomorrow (August 8, 2001) in order to give City Council the opportunity to agree on a compromise and direct City staff to build the waterline.

Discussion surrounded the concerns of City staff and the requested rush approval by the City Council at this meeting.

Councilman Hay, along with Vice-Mayor Cloninger, Councilman Peterson and Councilwoman Bellamy, all noted that Mayor Sitnick is very interested in this matter she is out-of-town this week. They requested that the formal vote on this matter be delayed one week until the formal meeting on August 14, 2001, in order for the Mayor to participate in discussions, for City Council to have an opportunity to review the issues involved and to get a staff report with recommendations.

Councilman Worley explained that the Water Authority was clear that they will take action tomorrow to contract with Henderson County to build the 36 feet of 12-inch waterline and the one-inch line to connect it to the property. American Freightways plans to open on September 1, 2001.

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Vice-Mayor Cloninger was uncomfortable in taking action on this complicated issue immediately and asked that any action be postponed until the August 14 meeting.

Councilwoman Field felt the City should proceed with the installation of this line and provide water to the customer. Then we move forward and resolve the water agreement.

Upon inquiry of Councilman Hay, Interim Water Resources Director David Hanks said that his staff could install the waterline in approximately 7 days.

Mr. Jack Tate, Chair of the Regional Water Authority, explained the number of roadblocks that has been placed in the way of providing water service to American Freightways. He urged City Council to take action at this meeting because the Water Authority will consider in their morning meeting to go forward with the contract with Henderson County to provide their customer with the water service they have been waiting month for. Mr. Tate did state that he would relay Council's request to the Water Authority for a week delay on any action.

All of Council expressed interest in wanting to get past this issue and start renegotiation of the water agreement.

By a show of hands, Councilman Worley and Councilwoman Field felt they were comfortable enough to proceed with taking formal action at this meeting. Vice-Mayor Cloninger, Councilmen Hay and Peterson and Councilwoman Bellamy preferred to wait a week for the reasons stated above.

Councilman Worley encouraged as many Council members as possible to attend the Water Authority's morning meeting in order to clearly communicated to the Water Authority that City Council desires to get past the American Freightways waterline issue and their willingness to work with the Water Authority to this end.

Closed Session

At 4:46 p.m., Councilwoman Field moved to go into closed session in order 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). This motion was seconded by Councilwoman Bellamy and carried unanimously.

At 5:05 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously.

Water Authority Meeting

There was a brief discussion of who could attend the Water Authority meeting at 8:00 a.m. on August 8, 2001, and what to say. Councilman Worley indicated that he was planning to attend and Councilman Hay said that he would try to attend as well. City Council wanted it clearly communicated to the Water Authority that City Council desired to get past the American Freightways issue and would work with the Water Authority to this end.

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ADJOURNMENT:

Vice-Mayor Cloninger adjourned the meeting at 5:10 p.m.

CITY CLERK MAYOR
