

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilwoman Diana Hollis Jones; Councilman Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Jams E. Ellis

**CONSENT:**

**Agreement with UNC-A for Limited Law Enforcement Jurisdiction on Property Owned by UNC-A**

Summary: This consideration of a resolution authorizing the City Manager to enter into an agreement with UNC-Asheville in order to allow it's Public Safety Department the ability to enforce the law at certain locations within the City of Asheville, pursuant to N.C. Gen. Stat. sec. 15A-401.

The UNC-Asheville's Public Safety Department has requested that the City enter into a joint agreement with the UNC-A in order to allow the UNC-A public safety officers the ability enforce the law on property owned by UNC-A but located within the City of Asheville. Currently, the UNC-A public safety officers do not have law enforcement powers on these UNC-A properties.

The properties are: Hyannis Drive, Corporative Campus Ministry House; 62 Macon Avenue, the Chancellor's Residence; Sevier Street Apartments #35 (Units A through J), #40 and #44 which are part of the University Housing; 95 Vivian Avenue – Pegasus Press Printing; The W.T. Weaver Boulevard Greenway Walking Path and surrounding area that constitutes the Greenway located near UNCA; and 138 Sevier Street - The Baptist Student Union.

By entering into this joint agreement, the Asheville Police Department will not be the primary agency for calls at these locations within the City but still maintain jurisdiction over the properties. Furthermore, this agreement does not effect the mutual aid agreement between the two agencies. In addition, by executing this agreement, the W.T. Weaver Boulevard Greenway Walking Path will get extra police coverage from the UNCA public safety officers.

City staff recommends approval of the resolution authorizing the City Manager to enter into a joint agreement with UNC-Asheville.

**Budget Amendment re: Fair Housing Assistance Program Grant**

Summary: The consideration of a budget amendment, in the amount of \$63,000, to recognize a Fair Housing grant.

The City of Asheville has been awarded a grant of \$63,000 from the U.S. Department of HUD for the City's Fair Housing Assistance Program (FHAP) for the year ending September 30, 2002.

The City has received an annual FHAP grant for several years and subgrants the entire amount to the Asheville-Buncombe Community Relations Council, which undertakes fair housing education and enforcement in Asheville and Buncombe County.

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Staff recommends approval of budget amendment.

**Authority to Advertise Notice to Exchange City-owned at corner of Mountain and Clemmons Streets for Property at Tuskegee Street**

Summary: The consideration of a resolution authorizing the City Clerk to publish a notice regarding the exchange of Disposal Parcel 173 located on Mountain Street for real property located on Tuskegee Street.

The City and Groundstar Development, Inc. have negotiated an exchange of Disposal Parcel 173 on Mountain Street for Groundstar's property on Tuskegee Street. Disposal Parcel 173 (PIN No. 9649.19-60-8939) is a residential lot owned by the City on Mountain Street comprising 8,276 square feet and designated to be sold for redevelopment as part of the East End/Valley Street Community Improvement Program. About half

the lot is steeply sloped and about half is gently sloped. There is a concrete ditch across the middle of the property centered in a 20' drainage easement. According to the Public Works Director, the 20' drainage easement on the City's property on Mountain Street is unnecessary and can be abandoned.

The City's property is located one block from property on Tuskegee Street, owned by Groundstar (PIN No. 9649.19-60-4246). Groundstar purchased the lot on Tuskegee Street to build a single-family affordable house for sale. After purchasing the lot, purchasing zoning and building permits and incurring site preparation expenses, Groundstar discovered that the lot is not buildable because of a drainage structure on the property on Tuskegee. The City's Public Works Director recommends acquiring Groundstar's property because the drainage structure is essential to providing storm drainage on Tuskegee Street. An exchange of property has been negotiated which will satisfy Groundstar's need for a buildable lot and the City's need to continue to provide storm drainage on Tuskegee Street.

Approval of the resolution will initiate the exchange of the properties through the process provided in N. C. G. S. 160A-271.

Planning & Development staff recommends adoption of the resolution.

#### **Authority to Advertise Offer to Purchase City-Owned Property on Oteen Church Road**

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer of purchase for upset bids for 1.58 acres of land off Oteen Church Road.

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A bid from James R. and Irma S. Lewis, in the amount of \$24,000.00, has been received for the purchase of land adjacent to their property at 1150 Oteen Church Road. The bid is not less than the appraised value of \$24,000.00.

The property is zoned RS-2 and comprises of approximately 1.58 acre of land. The property has a triangular shape and is level at the street and gently sloping to about 6' above street level. The bid proposal includes a life estate in the driveway to Oteen Church Road with the City retaining an easement for ingress and egress. When the life estate expires, the City will own the driveway, and an easement for ingress and egress will accrue to the property at 1150 Oteen Church

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Road. There is no current or contemplated use for the property by the City. The Lewis' plan to assemble the property with the property they own at 1150 Oteen Church Road as a buffer to the park.

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.

Planning staff recommends adoption of the resolution.

#### **Acceptance of Streets for City Maintenance**

Summary: The consideration of a resolution accepting Royal Pines Drive (SR 3162), Blake Drive (SR 3176), Sycamore Drive (SR 3171), Sycamore Drive (SR 3165), Peachtree Street (SR 3174), Cedar Lane (SR 3159), Sycamore Terrace (SR 3175), Linden Street (SR 3172), Linden Street (SR 3205), and Upper Sondley Drive for public maintenance.

As part of the annexation process, staff identifies streets in proposed annexation areas that should be maintained by the City after annexation. As part of the 2002 annexation process, ten streets were identified to be maintained by the City following annexation.

- Upper Sondley Drive is currently a private road. The length of the road is approximately 0.7 miles. Upper Sondley Drive begins and ends at Sondley Drive. The right-of-way for this street has previously been dedicated.
- Royal Pines Drive is currently a N. C. Dept. of Transportation (NCDOT) maintained roadway approximately .34 miles in length and is also known as State Route 3162. It begins at Hendersonville Rd and ends at the Sweeten Creek Rd.
- Blake Drive is currently an NCDOT maintained roadway approximately 0.25 miles in length and is also known as State

Route 3176. The section proposed for acceptance begins at Royal Pines Drive and ends at the Sycamore Drive. Only a portion of this road was in the City prior to this annexation. Following annexation, all of the roadway will be in the city limits. Staff is requesting that the City maintain the entire length of Blake Drive.

- Sycamore Drive is currently an NCDOT maintained roadway approximately .33 miles in length and is also known as State Route 3171. It begins at Hendersonville Road and ends at Royal Pines Drive.
- Sycamore Drive is .12 miles in length and is currently an NCDOT maintained roadway. It is also known as State Route 3165. Sycamore Drive (SR 3165) veers off Sycamore Drive (SR 3171) and ends at Sweeten Creek Road.
- Peachtree Street is currently an NCDOT maintained roadway approximately .19 miles in length known as State Route 3174. It begins at Sycamore Drive and ends at Cedar Lane.
- Cedar Lane is currently an NCDOT maintained roadway approximately .19 miles in length and is also known as State Route 3159. It begins at Linden Street and ends at Sweeten Creek Road.
- Sycamore Terrace is currently an NCDOT maintained roadway approximately .14 miles in length known as State Route 3175. It begins at Sycamore Drive and ends at Peachtree Street.

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- Linden Street is currently a NCDOT maintained roadway approximately .15 miles in length and is also know as State Route 3205. It begins at Royal Pines Drive and ends at Sycamore Terrace.
- Another segment of Linden Street is also a NCDOT maintained roadway approximately .07 miles in length and is known as State Route 3172. It begins at Sycamore Terrace and Dead Ends at the southern section of the roadway.

Staff recommends that City Council adopt a resolution accepting Royal Pines Drive (SR 3162), Blake Drive (SR 3176), Sycamore Drive (SR 3171), Sycamore Drive (SR 3165), Peachtree Street (SR 3174), Cedar Lane (SR 3159), Sycamore Terrace (SR 3175), Linden Street (SR 3172), Linden Street (SR 3205), and Upper Sondley Drive.

### **Provisions for Possession and Consumption of Malt Beverages and/or Unfortified Wine at Lexington Avenue Arts and Fun Festival, 6<sup>th</sup> Annual Brewgrass Festival and Asheville Area Arts Council's Walk into History Event**

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Lexington Avenue Arts and Fun Festival, the Asheville Area Arts Council's Walk into History and the Annual Brewgrass Festival.

The below listed groups have requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at these events.

- The Lexington Avenue Arts and Fun Festival is a first year event. Its goal is to develop greater awareness for non-traditional art forms and to encourage people to shop and visit the stores opening on North Lexington.
- The Asheville Area Arts Council's Walk into History is an event designed to showcase the Urban Trail and to bring Asheville's history alive with characters and performances at many of the stations.
- For several years, the Annual Brewgrass Festival has served as a unique celebration of the art of brewing beer in the spirit of Oktoberfest with a Smokey Mountain twist. The 6<sup>th</sup> Annual Brewgrass Festival has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.

The Asheville Parks and Recreation Department is submitting these resolutions on behalf of the Asheville Area Arts Council, Brewgrass, and the Lexington Avenue Arts and Fun Festival.

### **Agreement with NC DOT for Improvements related to Construction Widening of Brevard Road**

Summary: The consideration of a resolution authorizing the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation (NCDOT) for improvements related to the construction widening of Brevard Road (NC-191), from just north of the

Blue Ridge Parkway to Sardis Road (NC-112), in Buncombe County.

The NCDOT has prepared plans depicting the construction widening of Brevard Road from a two lane to a 4/5 lane road, within the limits outlined above. This proposed work is located almost in its entirety outside the City limits of Asheville and it is scheduled to be let this fall. As a result of this construction, an existing 6-inch water line will be replaced with a new 24-inch water

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line that will be installed within a utility easement adjacent to the edge of the road. Funds to cover the cost of water line replacement will be appropriated from the Water Enterprise Fund. No other municipal infrastructure is proposed to be constructed.

NCDOT has requested the City to execute this agreement as the first step for the final preparation of a utility agreement between NCDOT and the Regional Water Authority of Asheville, Buncombe and Henderson, for the costs associated with the replacement and upgrade of the existing water line.

This project is also identified as NCDOT No. U-3403 C in Buncombe County.

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements related to the construction widening of Brevard Road (NC-191), from just north of the Blue Ridge Parkway to Sardis Road (NC-112), in Buncombe County.

**Economic Development Incentive**

Summary: The consideration of a motion setting a public hearing on September 10, 2002, authorizing the City to enter into an agreement with Electrolux Home Products for an economic development incentive in the form of an easement onto city-owned property for construction of a retention pond.

Electrolux Home Products operates a regional distribution hub in a facility it leases located at 1310 Fanning Bridge Road in Asheville. The company is proposing an expansion of their distribution capacity by improving the efficiency of their site for increased truck & trailer movements. To accomplish this, an existing stormwater retention pond must be relocated.

The location and size of the new pond requires that a portion of it be located on city-owned property adjacent to the Electrolux site. To assist the company, the city is offering an easement onto its land for the location of the new retention pond. All other costs and liabilities associated with the construction and maintenance of the pond are the responsibility of the company. The pond is being designed to accommodate any future development on the remaining portion of the city property.

With the ability to increase the efficiency of this site, Electrolux has decided to keep the Asheville facility operational. The Asheville operation occupies a 500,000 square foot building and employs 128 people at an average hourly wage of \$12.28.

City staff recommends City Council set the public hearing on September 10, 2002.

**Critical Needs Phase III Water Distribution System Improvements, Contract 3**

Summary: This is a review of the Regional Water Authority's bid award for Contract 3 of the Critical Needs Phase III Water Distribution System Improvements.

Sealed bids were received and opened on Wednesday, May 21, 2002 for the Authority's Critical Needs Phase III Contract 3. Two (2) bids were received for Contract 3 with Precision Contracting, Inc., submitting the low bid of \$764,834.00. Contract 3 includes the installation of approximately 12,600 linear feet of 8-inch, 6-inch and 4-inch ductile iron waterlines with all related appurtenances. A complete list of bidders follows.

**Critical Needs Phase III – Contract 3**  
**Engineer's Estimate: \$794,845.00**

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<u>COMPANY</u>	<u>BID</u>
Precision Contracting, Inc., Asheville, N.C.	\$ 764,834.00
Buckeye Construction Company, Canton, N.C.	\$ 777,409.75

This Contract is the first of three (3) that will comprise the Authority's Critical Needs Phase III program and are funded by the \$ 3 million high unit cost grant. These projects are focused at locations where our existing infrastructure is old, leaking and inadequate to maintain high levels of customer service.

These bids were reviewed by the Office of Minority Affairs and were considered responsive to the Minority Business requirements. W.K. Dickson, the project engineers for Contract 3 have recommended award of this contract to the low bidder, Precision Contracting, Inc.

Contract 3 has a liquidated damages clause of \$ 250.00 per day for failure to complete the project in the time allocated.

The Regional Water Authority awarded this contract to the low bidder shown above at their June 18, 2002, meeting.

This report is provided to City Council for information only.

### **Sand Hill Road Water System Improvements**

Summary: This is a review of the Regional Water Authority's bid award for Sand Hill Road Water System Improvement Project.

Bids were received for the Sand Hill Road Water System Improvements project on May 9, 2002. Only (2) bids were received and the project was re-advertised for bid opening on May 22, 2002. Two (2) bids were received on May 22<sup>nd</sup> with Steppe Construction Company submitting a low bid of \$298,750.00. Buckeye Construction Company was the other bidder submitting a bid of \$452,146.00. The project includes the installation of approximately 2,700 linear feet of 18-inch, 16-inch and 12-inch waterline. The project also includes (2) major creek crossings and (1) railroad bore.

#### **Sand Hill Road Water System Improvements**

**Engineer's Estimate: \$398,295.00**

<b><u>COMPANY</u></b>	<b><u>BID</u></b>
Steppe Construction Company, Mill Spring, N.C.	\$ 298,750.00
Buckeye Construction Company, Canton, N.C.	\$ 452,146.00

The water system improvements resulting from this project are crucial to the daily operation of our water system. These improvements will bolster our water supply in the west and southwest sections of our water system and will provide a back-up supply for the entire Brevard Road / Biltmore Square Mall area.

Following the bid opening on May 23, 2002, the engineer received a letter from Steppe Construction requesting that he be allowed to withdraw his bid. In the letter, Mr. Steppe indicates that he made several errors totaling \$90,000 in his bid and because of these errors wanted to withdraw his bid.

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Brenda Mills, the Director of the Office of Minority Affairs, attended the bid opening. Ms. Mills obtained copies of sections of the bid that pertain to Minority Business. During her review of Steppe's bid, Ms Mills discovered that Steppe Construction had not included a Minority Business form 1A in their bid package. Other documentation regarding the solicitation of minority businesses was included but this form was missing. Ms. Mills contacted Steppe Construction on May 22<sup>nd</sup> and asked that they submit the missing form by Friday May 24<sup>th</sup>. Steppe did not follow up with the submission of this form and Ms. Mills deemed Steppe's bid non-responsive in her letter dated May 28, 2002. Staff of the Water Resources Department talked to Mr. Steppe on May 23 and Mr. Steppe indicated that he did not have any intention of submitting the missing form. Buckeye Construction Company's bid was deemed responsive to the requirements of the Minority Business Plan.

The Regional Water Authority approved Mr. Steppe's request to withdraw his bid and awarded this contract to the next low bidder shown above at their July 16, 2002, meeting.

This report is provided to City Council for information only.

Mayor Worley 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.

### **BUNCOMBE COUNTY SOLID WASTE MANAGEMENT PLAN**

- Mr. Ron Townley, Land-of-Sky Regional Council's Solid Waste Manager, briefed City Council on the draft Buncombe County Solid Waste Management Plan and said that the draft plan is available for public input. The input period will be held open until September 20, 2002, and all comments should be given to City Solid Waste Manager Richard Grant.

### **COMMUNITY CORRIDORS VISION FOR BROADWAY CORRIDOR**

- Mayor Worley announced this matter would not be on the agenda at this meeting.

### **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 for August 27, 2002. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

#### **Create Neighborhood Corridor Zoning District**

- Urban Designer Alan Glines said that this is the consideration of an ordinance amending the Unified Development Ordinance (UDO) to create a new mixed use in-fill corridor zoning classification called Neighborhood Corridor District.

Frequently in community meetings and planning forums and most recently, the forums for the City Plan 2025 comprehensive plan process, citizens have identified the need for:

- access to appropriately scaled mixed use neighborhood services located close to home;
- improved pedestrian facilities, projects that relate to the street and attractive streetscapes;
- more affordable housing throughout the community and a greater variety of housing choices; and
- broader transportation options.

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Since much of our economic development potential is wedded to redevelopment of the existing commercial corridors in the City, staff has developed a zoning district that seeks to redevelop and rejuvenate the medium sized corridors and support the neighborhoods surrounding them. The proposed Neighborhood Corridor District is an opportunity to incorporate the City Council adopted Smart Growth and sustainable development goals that have been identified by the community during the last decade.

The Neighborhood Corridor District will encourage pedestrian activity by creating safe and inviting streetscapes with comfortable walking amenities. Traffic flow will be improved by limiting curb-cuts and requiring cross access between parcels. The proposed district will encourage mixed-use in-fill development in locations where the infrastructure services already exist to support it. A benefit of this district will be to encourage neighborhood services in proximity to where people live so they can walk and not have to drive for every errand. The higher density residential allowance proposed in the corridor will support the City's need for a variety of housing options, and price ranges to serve the diverse Asheville community. The Neighborhood Corridor District will also make public transit a viable option by increasing density (i.e., the number of potential riders) on corridors that are or can be served by the bus system. To address the concerns of the residential property owners adjacent to the corridors, developers are required to buffer the neighborhoods with thickly planted landscape buffers between uses in the corridor district and neighboring residential areas.

Some of the long term benefits from developing any corridor in this pattern will be to build a livable community, strengthen the area's tax base, reduce driving trips on roadways, support mass transit, improve air quality and reduce sprawl.

Mr. Glines then went into the different standards for the proposed new district.

The Neighborhood Corridor District, as initially proposed, sets a maximum of 24 residential units per acre. Higher densities can make new residential construction viable at in-fill locations and increase the potential for affordable housing. Recently several developers have requested that City Council consider a maximum of 32 residential units per acre for the Neighborhood Corridor District. This request was received after Planning and Zoning Commission review of the proposed district and has not been considered by the Commission. Staff is supportive of this request and asks for Council's favorable consideration.

The Planning and Zoning Commission supported the creation of the Neighborhood Corridor District 5-0 (two members were absent). Staff also supports the adoption of this district. In addition, City staff recommends City Council set the maximum of 32 residential units per acre for the Neighborhood Corridor District.

Councilman Dunn felt like some of the requirements are too restrictive and he is not in favor of more regulations.

After discussing some of the standards, it was the consensus of City Council for City staff to seek more input from the community, review the comments by Council regarding the standards, and continue the amendment until the October 1, 2002, worksession with the public hearing being continued until October 8, 2002. The matter of applying the district to properties will be tabled.

**BOARDS AND COMMISSIONS**

It was the consensus of City Council to appoint Tim Flora (North representative), Ann Flynn (Central representative) and John Robinson (East representative) to the Citizens/Police Advisory Committee.

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It was the consensus of City Council to appoint David Tuch and Susan Jackson to the Greenway Commission.

It was the consensus of City Council to have the City Clerk arrange interviews on the Planning & Zoning Commission.

It was the consensus of Council to postpone action on the Public Access Channel Commission vacancies until the first of next year.

It was the consensus of Council to reappoint Chris Cavanaugh to the Buncombe County Tourism Development Authority.

**BUDGET WORKSESSION**

City Council held a budget worksession to discuss the interim budget. The final budget will be adopted on Thursday, August 29, 2002, at 5:00 p.m. in the Council Chamber, located on the Second Floor of the City Hall Building, Asheville, North Carolina.

**ADJOURNMENT:**

Mayor Worley adjourned the meeting at 7:20 p.m.

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CITY CLERK

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MAYOR