

Worksession

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

Absent: None

**CONSENT AGENDA:**

**Next Community Meeting – August 31, 2004, East Asheville Community Center**

**Approved Purchase of Property on Pinner Road for the Asheville Regional Airport Authority**

Summary: The consideration of a resolution accepting an Offer of Sale of Land from Grace Henninger for land off Pinner Road for \$111,321 for the Asheville Regional Airport Authority.

The property off Pinner Road is located adjacent to and west of the Asheville Regional Airport in a neighborhood with a mix of site built and manufactured homes and somewhat rural character. It is generally rectangular in shape and contains 5.859 acres. It is level to moderately rolling and wooded. Pines are the predominate trees typical of farm land left fallow for a number of years. Its highest and best use per the appraisal is low density residential as permitted by the zoning (Limestone, R-LD). It is proposed to be acquired for future expansion of the Airport. The property will be paid for by the Airport and will be included in the Airport master lease.

The property was appraised by Richard Smith, SRA, and reviewed by Joseph Moore, appraiser at \$108,500. An offer in that amount was conveyed to the owner, Grace Henninger and Mrs. Henninger responded with an offer to sell the property at \$111,321. Ed Vess, Real Estate Manager, reviewed the appraisals and recommended that the offer be accepted and fair market value be established at \$111,321 based on the offer to sell being within 3% of the appraisal and review and the efficiency of a prompt agreement.

The positive aspects of the proposed acquisition are:

1. Offers the opportunity to acquire land within the projected Airport expansion area while it is undeveloped.
2. The savings realized in not having to pay for potential improvements and relocation of occupants later on will offset the cost of the property.
3. It is a voluntary sale at fair market value.
4. It gives the Airport control of the property to ensure that no incompatible use occurs.
5. Will expedite the process when expansion of the Airport occurs in that one less property will have to be acquired.

The negative aspects are:

1. Removes property from the tax base.
2. Removes residential land from the market.

Approval of the resolution will establish \$111,321 as the just compensation for the property and accept the Offer of Sale of Land from Grace Henninger for that amount.

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City staff and the Airport Authority recommend adoption of the resolution accepting an Offer of Sale of Land from Grace Henninger for land off Pinner Road for \$111,321 for the Asheville Regional Airport Authority.

**Set Public Hearing on August 24, 2004, to Close Unnamed Alley off South French Broad Avenue**

Summary: The consideration of a resolution of intent to close an unnamed alley off South French Broad Avenue and set a public hearing on August 24, 2004.

N. C. Gen. Stat. sec. 160-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, the adjoining property owners have requested the City of Asheville permanently close to public use as a public street an unnamed alley off South French Broad Avenue.

Public Works Department staff has researched and determined that this alley is not a City maintained street. Closure of this alley will not deny any of the abutting properties a reasonable means of ingress or egress. There are six lots that abut this section of right-of-way. They are identified by PIN Nos. 9648.05-29-1708, 9648.05-29-0747, 9648.05-29-0716, 9648.05-29-0668, 9648.05-19-9786 and 9648.05-19-9645. All abutting property owners except Bost Bakery (9648.05-19-9645) have joined in the petition to close.

City staff recommends that City Council adopt the resolution setting a public hearing for August 24, 2004, to close an unnamed alley off South French Broad Avenue.

### **Offer to Purchase Property at the Corner of Wyoming Road and Keebler Road**

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer to purchase property at the corner of Wyoming Road and Keebler Road in the Kenilworth community.

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A bid has been received from Innova Homes LLC in the amount of \$4,400 for the purchase of land at the corner of Wyoming Road and Keebler Road in the Kenilworth Community.

The land at the corner of Wyoming Road and Keebler Road is an irregular triangle shaped residential zoned lot comprising 0.07 acre±. From street grade it slopes up substantially to the rear property line and is covered with non-significant trees, vines and brush. The size, shape and topography render the lot unsuitable as a home site. The subject parcel is a remnant of property acquired at the time Wyoming Road was improved several years ago and is situated diagonally across from the park. The tax value is \$4,400. The bid from Innova Homes LLC, owner of an adjacent parcel is in the amount of \$4,400. Innova proposes to construct a house on the adjacent property for sale. The proposed construction is consistent with the Strategic Plan policy of encouraging infill development.

The positive aspects of the transaction are:

1. The sale will be at fair market value as established by the upset bid process.
2. It will return property not needed for public use to the tax rolls.
3. It will transfer responsibility for maintenance to the private sector.
4. A non-buildable lot will be assembled with an adjoining parcel to provide a more coherent land use pattern

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5. The sale of this lot to Innova, while not essential to the proposed infill development, will enhance the development by improving the access.

Planning & Development staff recommends adoption of the resolution which will initiate the sale of the property through the upset bid process.

### **Solicitation of All Formal Bids by Electronic Means**

Summary: The consideration of a resolution authorizing City staff to solicit invitations for all formal bids by electronic means.

The City of Asheville has invited the solicitation of bids by advertising same in the Asheville Citizen Times for a number of years. Such legal advertisements are expensive and lately have only generated low interest. A few years ago, the N. C. General Assembly amended N.C.G.S. §143-129, to allow cities to use electronic means to advertise for bids without also having to advertise same in a newspaper of general circulation. A number of cities currently advertise their formal contracts exclusively by electronic means and Asheville desires to join those cities.

The positive aspect of advertising by electronic means is that it reaches the same intended audience as newspaper advertisement at a substantial reduction in cost.

The negative aspect of advertising by electronic means is that it only reaches those who are electronically connected.

City staff recommends approval of the resolution authorizing City staff to solicit invitations for all formal bids by electronic means.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place these items on the next formal City Council agenda.

## **FOREST MANAGEMENT PLAN**

Mr. David Hanks, Interim Water Resources Director, said that the forestry management study was the result of an airplane crash in the watershed area in 2002. Due to the overgrowth within the watershed and inaccessibility of roads it was extremely difficult for fire and rescue workers to reach the downed airplane. This prompted the City of Asheville and Town of Black Mountain fire chiefs to request accessibility and maintenance of the watersheds to be looked at. This included looking at the potential for fire and fire fighting ability within the watershed based upon its current status. It also included concerns of accessing large areas of the watershed where trees were down and overgrowth did not allow for vehicles and/or equipment to be brought in. The forester was given direction that proper management of the forest was the primary concern of the study and to take a comprehensive look at all aspects of the forest and give professional guidance on how the watershed should best be managed. The primary objectives were to maintain the functions of the forest contributing to water quality and to reduce the risk of catastrophic loss by fire, insects or disease to preserve the ability of the forest to function as a watershed.

The Forest Management Plan lists specific items that need to be addressed within the watershed. Many of the recommendations within the plan require additional staff or outsourcing the propose work. This is just the first step in a several step process.

Mr. Hanks said that the forestry management consultant firm of Wildwood Consulting, LLC was hired to take a comprehensive look at all aspects of the North Fork and Bee Tree

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watersheds, including current state of the forests, including trees, shrubs, underbrush, grassy areas, roads, streams, wildlife in the watersheds and maintenance of the watershed to ensure high quality water is allowed to flow in to the two reservoirs.

Mr. Edward B. Hicks, Forester with Wildwood Consulting, LLC, gave Council a brief summary of the plan for North Fork and Bee Tree Watersheds. He said the primary objectives to the plan is to (1) maintain the functions of the forest contributing to water quality; (2) reduce the risk of catastrophic loss by fire, insects or disease to preserve the ability of the forest to function as a watershed; and (3) provide other such services as may be desirable that are not in conflict with the primary purpose of the watershed. Within the board objectives, more specific objectives included (1) maintain the water quality functions of interception, filtration and retention of rainfall; (2) protect and improve forest health; (3) improve and maintain existing interior access for fire control and emergency services; (4) promote and increase native biodiversity; (5) provide and improve critical habitat for wildlife species such as black bear, ruffed grouse, wild turkey and neo-tropical migratory songbirds; (6) provide sites for re-establishment of the American chestnut; (7) maintain a scenic view from the Blue Ridge Parkway; and (8) generate periodic income from small selective timber harvests.

Mr. Hicks then explained in detail his general recommendations as follows:

### **WATER QUALITY:**

#### **1. ROADS AND TRAILS**

First priority is primary roads. Secondary roads are also very important for fire control access, but will require more work. Many are located near streams and frequently cross streams.

- Identify secondary roads important to be maintained as access for fire control, including those not currently utilized, mapped or named and marked on the ground. Identify those roads and trails that should be closed due to poor design or location.
- Upgrade primary and secondary roads where needed with gravel and water control structures. (ditches, broad based dips, crown the road where necessary, locate turnouts well away from stream crossings, gravel approaches to stream crossings, dig sediment traps at existing located turnouts near streams)
- Repair existing bridge structures (replace rotten boards) on primary and secondary roads.
- First priority on secondary road repair is to gravel approaches to stream crossings, repair existing bridges and divert water off of the roads and into the woods away from streams and crossings, where possible. Utilize sediment traps where turnouts are necessary in proximity to streams.

- Seed cut banks and bare soil surfaces with creeping red fescue (CRF) to stabilize soils and slow water on road surfaces. Creeping red fescue is shade tolerant with a low growth habit. Strips of CRF planted on the downhill side of roads at broad based dips will slow water diverted into the woods.
- Bands of creeping red fescue established in the road, angled downhill at 30° toward the outside edge of the road will slow water flow on steep grades and divert water off of the road. An outfall must be provided on the outside edge of the planting to prevent water from re-entering the road.
- In locations where the road is enclosed by steep banks on both sides, heavily seed the entire surface to slow water flow and create an outlet at the first possible location. Steep cut banks should be graded back to a 3/1 slope where possible to allow establishment of a CRF cover. Cut banks are a continual source of erosion and stream sedimentation.

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- Close and rehabilitate old roads and trails that are not serviceable due to poor design or location. Grade cut banks back to 3/1 slopes, construct water bars and turnouts and seed road beds and cut banks with CRF.
- Reduce the number of ford type stream crossing crossings where possible. Replace with bridges where possible, or consider closing roads that ford streams but are not necessary for access.

## **2. STREAMSIDE MANAGEMENT ZONES**

Maintain a system of streamside management zones (SMZs) around the reservoirs and along tributary streams. SMZ width should be determined primarily by the slope of the surface adjacent to the water body, and the relative size (category) of the water body. There is a chart in the Plan that indicates suggested SMZ widths based on slope and category. In application, widths may vary, based on factors affecting erosion hazard, such as soil type and area drained.

Management activities allowed within the Primary SMZ are restricted to those necessary to maintain or improve roads, fire pre-suppression or control, and control of invasive exotic species.

Management activities allowed in the Secondary SMZ area include road maintenance, fire pre-suppression or control, invasive exotic species control, single tree selection timber harvest, crop tree release and understory manipulation for regeneration purposes. The primary consideration is to maintain a nearly contiguous canopy. Exceptions may be allowed on a case by case basis as long as water quality is ensured and the variance furthers objectives set forth in the plan.

Outside of the SMZ zones, all of the aforementioned activities may take place, as well as small group selection or such other forest practices as may be deemed appropriate for the watershed.

### **FIRE CONTROL AND EMERGENCY SERVICES:**

Fire pre-suppression efforts should be focused on two issues. The first is ensuring that fire control crews and other emergency service personnel have rapid access to as much of the watershed as is practical and good maps and road signs to find their way around. Current conditions do not meet that need. Secondary roads have bridges with rotting or missing boards and trees are continually falling across roads. Roads exist that are not shown on current maps and bears keep tearing down wooden road signs that identify roads and streams.

The second issue is controlling the spread of invasive exotic species that will, if left unchecked, change the nature of the fire hazard in the watershed. At this point, the hazard is evident, but control is possible. Failure to act soon will have the same effect as failure to attack a wildfire as soon as it is detected. Delay will allow the situation to progress to the point that control is not an option. The consequences may be permanent.

- Place signage at road intersections and named stream crossings identifying road numbers and streams crossed for ease of navigation by fire crews. Consider aluminum or vinyl flat signs, stenciled letters on trees or signs placed on fence posts. Experiment with sign types and placement to find a system that the bears will not tear down.
- Repair existing bridges and add sufficient cover (at least 12 inches) over existing culverts to ensure the culverts will not be crushed.
- Cut trees from the slopes above roads for a distance of approximately 50 feet and any trees below the roads that are leaning toward the road to reduce treefall across the

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access roads. Where the ground is level on both sides of a road, only the trees leaning towards the road need to be cut.

Chinese silvergrass and Nepalese browntop infestations should be treated to control their spread. Both of these invasive exotics have the capability of growing in shaded conditions. They add a flashy fuel component to the forest that will increase the incidence and severity of wildfires if not controlled.

Fire suppression should be closely coordinated with the NC Division of Forest Resources. In the event of a wildfire within the watershed, one employee should be designated to man the gate until all suppression crews have left the watershed.

- A tube of maps should be kept in a location where they are available 24 hours a day for watershed personnel. The person designated for gate duty should take the tube with him and hand out maps to any fire control personnel entering the property. If time permits, the location of the fire should be marked on the maps.
- Helipads should be kept mown and accessible by service trucks. Roads leading to helipads are a high priority to upgrade and maintain.
- Radio frequencies should be compatible between Forest Service radios and watershed radios to facilitate communications.

## **FOREST REGENERATION**

A forest regeneration system is important to meet several management objectives. Manipulation of the forest to ensure that northern red oak and white oak are regenerated over time, as opposed to red maple, will preserve and improve habitat for all hard mast dependent species. Creation of small early successional areas will benefit species dependent on soft mast for part of their diet and species dependent on ground cover for nesting sites, browse, forage or cover. These species include black bear, wild turkeys, ruffed grouse and a wide variety of birds. Ruffed grouse will continue to utilize the areas long after they cease providing early successional conditions.

Several forest regeneration systems may be employed to meet the objectives. One system is small group selection. Under the small group selection system, small pockets of timber are harvested to create a number of small openings (.5 to 2 acres, depending on shape and species composition) within a stand. These will comprise 10-15% of the stand. Approximately 10-15 years later, the stand will be revisited and another 10- 15% of the stand will be harvested in small pockets. This process is repeated continually. All of the stand will have been included in a small group by the time 75 to 100 years have passed, but the first areas treated will have 75 to 100 year old trees in pockets throughout the stand. At no time is the canopy removed from more than about 15% of the area in a stand, and that area is scattered all over the entire stand. Different stands are treated each year to provide areas of early successional areas for wildlife and to encourage oak regeneration.

Small group selection will allow oak regeneration to develop within the edges of the stand adjoining the small openings, where light is sufficient for oaks, but inadequate for yellow-poplar. Yellow poplar will probably dominate the center of the small openings on the better sites. The mix of yellow-poplar and oak may help deter gypsy moths if an infestation were to occur. Solid stands of oak are highly susceptible.

Shelterwood cuts offer the opportunity to create two-aged stands. These are beneficial to grouse, bear, white-tail deer and a variety of birds. The trees selected for shelter and the density of the shelterwood can be used to manipulate species composition of future stands.

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Regeneration using small clearcuts will also be appropriate under certain conditions. Where advance oak regeneration is present, small clearcuts would allow the regeneration of a site to oak species, while providing important early successional areas for wildlife. Clearcut sizes would be determined by conditions, but anticipated clearcut sizes would be between 5 and 10 acres.

Single tree selection has not been shown to be an effective system for regeneration of shade intolerant species, such as oak, ash, hickory and yellow-poplar, however, individual trees may be harvested to meet other objectives other than regeneration. They may be selected for harvest to manipulate species composition in the overstory and to enhance conditions for mast production, particularly in the secondary buffer zones. It may be useful in crop tree management, where crop trees are selected for masting ability and are favored by removing individual crown competitors to increase the available light to the crop tree.

It is important to maintain as many "tools of management" for use as possible to deal with variable conditions and objectives. No single system is appropriate for all areas.

## **WILDLIFE MANAGEMENT:**

Wildlife management recommendations are based on several objectives and considerations. The Asheville Watersheds have one of the highest densities of black bears in western NC. They act as a reservoir for the species, providing a safe haven for

rearing young and vital natural food supplies. Improving the variety, timing and quantity of the food supply will help support the bear population. According to Wildlife officials, bears benefit from a diversity of habitat types, each providing food during different times of the year.

Ruffed grouse populations are in decline in western NC, but they are present in the watershed in small numbers. Improving habitat for ruffed grouse will help ensure their continued presence in the area. Grouse will take advantage of small group cuts, but they are not the beset system for their habitat. The areas are too small to contain home ranges. Clearcuts or shelterwood/two age cuts are far better for grouse.

Neo-tropical songbirds utilize the watershed annually. Some species require early successional habitat for nesting and forage; others prefer the mature closed canopy conditions that are prevalent on the watersheds. Creating a diversity of habitats will benefit a number of species that are not well served by existing conditions. Partial harvests, such as thinnings and shelterwood cuts, help develop mid-stories and under-stories that are beneficial for many songbirds.

Creating some limited areas of early successional vegetation will meet several of these objectives. Grouse will benefit from both early successional vegetation and from the young seedling/sapling stands that will grow out of these areas. The bears and some neo-tropical bird species will benefit primarily from the early successional areas. To maintain the benefit, a few early successional areas should be created every few years.

- The clearing of 50 feet of trees above the access roads will create significant areas of early successional plants. Soft mast production should be high in these areas for several years. The areas should be cleared on about every 10 years
- Mowing the helipads will maintain additional areas. The edges of the helipads already produce sassafras berries, blackberries, wineberries and sumac. The woody species may need to be cut back every 3 years to prevent tree development in species such as sassafras.
- Small group selection cutting, small shelterwood cuts and small clearcuts will create small openings throughout the lower elevations of the watershed. These systems offer

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the opportunity to periodically create new successional areas, replacing those that grow up and close crown. (See Timber Management section)

## **FOREST HEALTH:**

It is worth pursuing asking the US Forest Service or the Park Service to release *Pseudoscymnus tsugae* into the watershed area in an attempt to control the hemlock woolly adelgid populations and preserve the eastern and Carolina hemlocks.

It is highly recommended that existing stands and clumps of Chinese silvergrass and Nepalese browntop be treated for control while that option is still viable. This may be a narrow window of opportunity. The Chinese silvergrass is found in small patches scattered throughout the watershed, as well as extensively in one 10-acre stand in the main valley. The source of infestation is the dam of North Fork Reservoir, which was planted with Chinese silvergrass. Chinese silvergrass is very shade tolerant and highly flammable. Dead stems are retained as new stems emerge, creating a flashy contiguous fuel capable of carrying a hot fire very rapidly through a hardwood forest. On steep slopes, a fire in heavy silvergrass ground cover would be very difficult to stop. The sprinkling of silvergrass throughout the watershed now will become large stands of silvergrass in the future. It is a prolific seed producer.

Monitoring for gypsy moths should be an ongoing effort. This is accomplished using small cardboard traps with pheromone attractant baits.

A plan of action should be in place to deal with a new gypsy moth infestation found within the watersheds. My recommendation is to treat any infestation aggressively with *Bacillus thuringiensis kurstaki* (B.t.k.), a naturally occurring organism found in soils. This organism is utilized by organic growers for control of caterpillar pests in food crops. It has no effect on bees, fish, birds, mammals or water supplies. It is broken down by sunlight and other organisms within 3-7 days after application and does not reproduce or accumulate in the environment. It is only effective on caterpillars that are in their 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> instar stage (have not molted more than twice). These caterpillars will be less than 5/8 inch long. Timing of treatment is important. Generally, the month of May is the time to treat with B.t.k., preferably early May. The earlier an infestation is treated, the smaller the area will be that requires treatment. This is not a "wait and see" type insect.

There is no action to be taken regarding sudden oak death at this time. Any landscaping planting done around the facilities should be confined native species grown locally. Plants grown outside of the region and sold locally may carry the fungus on the

plants or in the soil. Rhododendrons and camelias are potential carriers, but are not the only ones.

The American Chestnut Foundation is very close to producing chestnut trees that have the good characteristics of American chestnut, but with blight resistance. The field along the main road in North Fork Watershed would be an ideal place for out-planting a test plot of the latest progeny. As proven resistant seedlings become available, the watersheds would be excellent places to re-introduce the American chestnut. Members of the Foundation who have contributed to the development of the resistant species will be given a priority in obtaining the resistant seedlings. He recommended that the City join the Foundation and participate in the final phases of research and development. This would involve very little expense, time or intrusion, but would allow the watershed to participate in the early phases of American chestnut restoration. Membership in the American Chestnut Foundation is only \$40.00 per year, although a larger contribution would be appreciated.

American chestnuts were once the largest mast producer for wildlife. Their re-introduction would be in line with the goals for both wildlife and forest health.

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#### **SCENIC VIEW:**

The view from the Blue Ridge Parkway is a consideration in management of the watersheds. The activities recommended in this plan will have a minimal impact on views from the Parkway. Openings created for improved fire control access, for wildlife habitat improvement or tree regeneration will be small enough to be largely screened from view by surrounding trees. Any visible impact that may be discernable will be more than offset by the multiple benefits from the activity.

Mr. Hicks said the specific recommendations will be incorporated into a 10-year schedule of activities. Included in the activities will be an annual schedule for inventory of compartments. Information collected will include species composition, basal areas, volume by product, understory and ground cover conditions, site productivity, fire hazard, road and trail conditions, exotic invasive species and insect and disease assessment.

Mr. Hicks and Mr. Hanks answered several questions/comments from Council, some being but are not limited to: how many of the 22,000 acres would have to be damaged for it to be considered a catastrophic loss; explain the different phases of the plan and what the phases would include; do we have an inventory of bridges; how many miles of roads could adversely impact water quality; is it accurate to say that a watershed entirely forested may produce less overall water quantity but the quantities of water are more consistent; if we proceed with "daylighting," will that create the potential for more problems with exotic species; what is the realistic prospect for a fire in the watershed that has the level of intensity and scale to be a risk of water quality; if there was a large fire, what would that mean for water quality; is our watershed at risk for a fire; explain the difference of small group selection and small clearcutting; if the City wants to promote wildlife, how much clearcutting is envisioned; what kind of vehicles would be used for a fairly small logging operation; is the primary problem of water quality sedimentation more associated with road construction and landing pads for the forestry operations than the forestry operation itself; are we limiting forest activities on the watershed to activities that can be done in the immediate proximity of the roads since we aren't going to build more roads; what would the increase in sedimentation from forest activities mean to the water quality; are fire towers still used for fire prevention; what is the likely herbicide that would be used to treat the Chinese silvergrass and how long would the treatment take; is there a model that duplicates the recommendations made in the Plan; can fire lines be used for small group selection; is there any chance the City can obtain some predator beetles from the U.S. Forest Service; are any recreational activities being contemplated in the plan; has there been any recent biological study or inventory done on the property; what are the long-term prospects to repopulate chestnut in Western North Carolina; can the City carry out the objectives in the Plan under the current conservation easement; and who determines the view of the Blue Ridge Parkway.

Councilwoman Bellamy felt it would be helpful to color-code the primary roads vs. the secondary roads. Mr. Hicks responded that that type of information will have to be coordinated with the fire chiefs because they will be the ones traveling the roads. Mr. Hanks also said that he anticipated maybe 3-4 main roads and then cross-connections.

Upon inquiry of Councilman Newman, Mr. Hicks said that the kinds of things in this Plan will not affect water flow or water quality in any way.

Councilman Newman agreed that the City did need to control the Chinese silvergrass and Nepalese browntop while that option is still viable. Mr. Hicks explained that to have an effective management of the problem, a herbicide should be used, but in the sensitive areas along the watershed, hand-pulling would probably be the best solution.

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Councilman Newman requested scientific information on what the implications and risks are for fires in our part of the

country. He also requested additional information on oak forests being converted into maple forests. He felt it would be useful to have scientific information from an inventory on the biological and ecological resources on the property for long-term management of the property.

Upon inquiry of Councilwoman Jones, Mr. Hicks said the removal of the Chinese silvergrass and Nepalese browntop would be about \$300-400 per acre and there is approximately 15 acres total (but scattered throughout the watershed). He noted that didn't include the cost of the hand-pulling that will be required.

Vice-Mayor Mumpower felt it was a good suggestion for the City to join the American Chestnut Foundation in order to participate in the final phases of research and development.

Vice-Mayor Mumpower felt further research might be warranted of other model watershed management plans with recommendations such as the ones proposed before Council.

Councilman Davis said that the Tree Commission supports the proposed plan with the following recommendations: (1) management of the watershed forests is essential; (2) the forest management process should be transparent and accountable; (3) it is unlikely that clear cuts will be necessary to meet the stated objectives of the plan; (4) "daylighting" roads as a method of preserving access should be used sparingly; and (5) revenues generated from harvested timber should be used to offset the cost of the forest management plan.

Councilman Newman explained how the loss of hemlocks is bad for our ecosystem. He suggested adding this as a legislative priority to request our legislators seek more funding to help preserve hemlocks.

Mayor Worley explained that this is not a plan to log the watershed for revenue, but to improve wildlife habitat and access for fire control. This is not a revenue-generated plan. We anticipate taking the small revenue generated and put it into the road system. If the plan is approved, it will still be up to City Council to determine how much, if any, of the selective cutting we will do. City Council will have the opportunity to review each year what they intend to do.

Mr. Rusty Painter, representing the Conservation Trust of North Carolina, reviewed with Council what the conservation easement will allow the City to do with the property. Councilman Newman wondered if there was any need for the City to modify their easement with the Conservation Trust since Asheville was one of the first cities to have this type of easement and now other cities have gone through a similar process. Mr. Painter said that the Trust would like to work closely with the City on management of the watershed. He did state that most of what Mr. Hicks recommended do not conflict with the easement's two primary objections, which are to not impair the view of the Blue Ridge Parkway and to maintain the water quality functions.

City Manager Westbrook asked for Council's approval of the plan to give staff general policy guidance which will allow staff, on an annual basis, to work on parts of the plan, pursuant to the overall policy. If staff gets into a particular area and it needs a specialized study, they would bring that back to City Council for approval before moving forward. Again, the City wants to actively manage the watershed and will come back to Council for interim approvals to do that. He anticipated coming back to Council before the next budget with the first proposal.

Councilwoman Jones said that as we move forward, it is very important for the City to listen to the watershed advocates as well.

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Councilman Newman said there have been significant questions what this plan is about. Other than the question of recreation, he questioned if the City really wants to engage in forestry activities on the watershed and if so, at what scale. If there is not going to be any recreation activity on the property, he felt we should just state that there will be no public access. Again, he advocated a biological inventory of the property. He felt there are three different scenarios on how we can look at the management of the property: (1) preservation-type approach; (2) forest activity but in a very limited nature, like keeping roads open, etc.; and (3) open-ended kind of forestry operation. All alternatives are legitimate to consider, but he felt the draft plan is very general and not clear what type of scenario we will be approving.

Mayor Worley said he didn't think we needed any more studies to determine whether recreation should be on the property. We've had a security assessment report and in the present world climate, recreation is precluded in the short-term, but there may be some considerations to change in the long-term. If recreation activities are ultimately allowed, he didn't think it would be inconsistent with the plan. He felt the biological survey is a good idea, but he didn't think that should hold up adoption of the plan. Regarding the extent to which we would engage in forestry activities, he understands that as we would move forward with the plan, and then there would be further study and further approvals before any of those practices are engaged in, if they are engaged in at



all.

City Manager Westbrook agreed with Mayor Worley regarding moving forward with the plan. He said that if Council wants a biological survey performed, it should be done prior to Phase I. He said staff will find out the cost and length of time necessary, so we can have that in hand prior to actually getting into whatever Phase I would be.

Mayor Worley 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.

At 5:20 p.m., Mayor Worley announced a short break.

### **DOWNTOWN SOCIAL ISSUES TASK FORCE FINAL REPORT**

Ms. Sasha Vrtunski, City Development Director, said that the Downtown Social Issues Task Force has prepared its final report on graffiti and that they will present its final findings on public drunkenness and panhandling in August.

She said the Task Force broke their work up by topics: Graffiti, Panhandling, Public Drunkenness and Homelessness. City Council has already heard the report regarding the 10-year Plan to End Homelessness and taken action.

Plan advantages include: (1) Removal of graffiti within 48 hours has been proven to be a deterrent to graffiti artists and vandals; and (2) These recommendations provide both "carrots and sticks" to combat the problem of graffiti in downtown.

Plan disadvantages include (1) The Volunteer program is quite ambitious and may have to be adjusted over time; and (2) There are some property owners that feel that 48 hours is too short of a time for them to remove graffiti, while at the same time supporting the concept in general.

A letter has been received from the Downtown Commission, which stated that they unanimously voted to support the recommendations of the Task Force. During their discussion, they discussed the 48 hours given to property owners to clean up graffiti. There were some initial concerns, but members were satisfied that the intent is to get graffiti off of buildings as soon as possible, and not to punish property owners. The presence and availability of the volunteer group

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to remove graffiti right away seems to be a fair alternative for property owners. There was some discussion as to whether or not the 48-hour period should be considered as business hours. There was also discussion of the two-week period for replacing glass when it has been acid etched by vandals. The Task Force felt that as long as property owners were making an effort to have their glass replaced, there shouldn't be any penalties.

Ms. Kim MacQueen and Ms. Kitty Brown, members of the Downtown Social Issues Task Force, said that the Task Force took the approach of recommending stiffer penalties for vandals while reducing the incentive for doing graffiti by asking property owners to remove graffiti within forty-eight (48) hours. This has been a proven approach in other cities; when graffiti is removed within the first 48 hours, the incentive for future vandalism is greatly reduced. In other cities building owners are required to remove the graffiti within the 48-hour period, or be faced with large fines. The Task Force recognized that this could be a large burden on property owners and worked to make the program as easy as possible. In conjunction with recommending such an ordinance, a companion volunteer clean-up group would be set up through Quality Forward to be able to respond to instances of graffiti, where the property owner has signed up to allow them to clean his or her property. This approach has the potential to get graffiti off of downtown buildings quickly with no penalties to building owners.

The Task Force is also recommending that the City install additional kiosks around downtown to provide spaces for flyers; create a website about the graffiti abatement program; support the Asheville mural project; and provide additional street police officers as a deterrent. Finally, the Task Force is also asking that City Council ask the District Attorney's office prosecute offenders to the greatest extent possible and seek full restitution for property owners.

Ms. MacQueen and Ms. Brown then briefly described the following recommendations, along with action steps for each one:

1. We recommend that the City of Asheville, in cooperation with Quality Forward, the Asheville Downtown Association, organizations like Project STEAM and Buncombe Alternatives, private property owners, business owners, and community volunteers, commits to removing *graffiti* within 48 hours after its appearance has been reported.
  - We propose a pilot removal program on a smaller section of downtown to be followed by its implementation throughout the central business district.

- The program would involve the implementation of a graffiti reporting hotline at Quality Forward which would dispatch a volunteer force of "graffiti busters" to remove reported graffiti within 48 hours.
2. We recommend that the City pass a local ordinance which requires building owners to either remove all graffiti themselves within 48 hours of its being reported or to grant permission for their property to be cleaned by graffiti volunteers.
    - Violations of this ordinance would be enforced with a penalty of \$25 a day for each day the graffiti remains after notice to the building owner.
    - In the case of acid etching, the release will allow the volunteers to cover the graffiti etching with a larger geometric etching or allow the owner to opt out of volunteer repair and agree to replace the window glass within 2 weeks.
    - It is also recommended that the City create a low interest loan fund to aid building owners victimized by acid etching who choose to replace their glass.
  3. We recommend that the City create a web page describing Asheville's graffiti abatement program with a hot link to Quality Forward's website which would describe their role in the graffiti abatement program.

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4. We recommend support of the Asheville Mural Project, a program of public art murals, as a viable deterrent to graffiti vandalism creating opportunities to develop neighborhood ownership and pride.
5. We recommend that the City add five additional round legal posting sites (similar to the library poster kiosk but much smaller) appropriately spaced around downtown in an effort to reduce and concentrate sticker/flyer graffiti
6. We recommend that the City Council issue a resolution to the District Attorney's office requesting:
  - The DA prosecute graffiti offenders, and in particular repeat offenders and acid etchers, to the fullest extent of the law;
  - The DA seek awards of full restitution to property owners for damage;
  - First-time offenders be sentenced to 100 hours of participation in graffiti cleanup and repair under the auspices of an organization like Buncombe Alternatives; and
  - Repeat offenders and acid etchers be required to perform 500 hours of service in cleanup efforts.
7. We support a greater police presence on the street as a deterrent to graffiti and similar forms of vandalism.
8. Upon hearing the interest for a legal graffiti wall during public input sessions, the Task Force suggests the following:
  - The graffiti subcommittee will entertain proposals from individuals who are interested in coordinating such a legal wall. Proposals should include location, monitoring the site (loitering, letter, profanity), maintenance, etc. It is our intention that a legal wall be on private property and be privately monitored and maintained.

After reviewing proposals, the subcommittee will make further recommendations to City Council regarding legal graffiti walls.

Ms. Brown said the Task Force believes the recommendations submitted constitute a plan of action which can involve all sectors of our community. They support the development of a response to graffiti by which the Asheville community takes an active role, with local government, in discouraging this aggravating and destructive form of vandalism.

Ms. MacQueen explained how the recommendations relate to the entire social issues "program." She said the Social Issues Task Force has made recommendations aimed at discouraging graffiti. It is their hope and intention that the recommended approach also serves as a positive model of community cooperation aimed at solving pressing social issues. They expect the message sent by discouraging graffiti and encouraging community responsibility and cooperation will have a positive impact on all of the conditions and behaviors the Task Force has been asked to address.

Communities can change through the application of negative energy, such as fear, intimidation, repression, destruction, and punishment. Or they can change through exhibitions of mutual respect, responsibility, and consideration for others. Our recommendations require that a sense of collective responsibility to be shared by the citizens of downtown and city government. We believe that in exercising this collective responsibility we should honor the diversity of downtown Asheville. We should also distinguish between positive contributions to that diversity

and acts of thoughtless self-indulgence. Acts like graffiti vandalism serve only to divide the community.

Ms. Brown said that graffiti contributes to a perception of uncaring neglect that some take as permission to further damage our community. This abuse can take the form of everything from littering to blocking elderly pedestrians on city sidewalks to public drunkenness. If we as a community set higher standards, we create an environment wherein people recognize their best behavior is expected and appreciated.

The Asheville Mural Project, as part of our graffiti abatement program, can help communicate values of respect and affection for place, creativity, tolerance, and beauty. It was included as part of our recommendations because we believe that a project such as this can foster the community spirit, pride and involvement that brings a community together. We do not want to alienate our young people. Channeling their expression into public art projects is an opportunity for inclusion, cooperation, and civic responsibility to grow.

Social conditions are more complicated than behaviors and may require extended cooperation of multiple and varied interests. Just as we wish to enhance our collective sense of ownership and responsibility for this "place" by our cooperation on solutions to problem behaviors, we wish to create a commitment to and appreciation of our people--all of our people. By encouraging the community as a whole to take a stand against graffiti, we will begin setting the kind of standard for mutual respect and mutual effort that can extend to the rest of the social issues addressed by the task force.

City staff recommends City Council adopt the Downtown Social Issues Task Force's Graffiti recommendations. City Council may want to consider the 48-hour period to be business hours. City staff will evaluate each of the recommendations for legal sufficiency, and if any recommendation is unable to be carried out for legal reasons, staff will notify Council. Upon Council direction, staff will work on a draft ordinance for graffiti removal.

Council members thanked the Task Force for working so diligently on this problem and spending the enough amount of time and effort to come to Council with these recommendations.

Councilwoman Bellamy hoped that the N.C. Dept. of Transportation will respond quicker than they have in the past.

Ms. MacQueen and Ms. Brown responded to various questions/comments from Council; some being, but are not limited to: can funds be earmarked for clean-up; how much time does the volunteers spend cleaning up on a Saturday; are the property owners fined if the volunteers don't clean the graffiti off in 48 hours; and has voluntary compliance been a problem.

Councilman Dunn questioned whether it's appropriate to fine a property owner for an illegal act on their own property that they did not do. He felt it wasn't fair to fine the property owner after 48 hours if the owner wants to clean it off on his own timetable. Some owners may want it repainted with a certain paint to maintain the type of finish they have on their walls.

Councilman Mumpower explained how he personally felt this basically punishes the victims who have been vandalized. He felt this effort is initially founded on a strong volunteer initiative, but it will probably wind up on the property owner.

Councilman Davis, business owner downtown, said that he has had six occasions of graffiti on his business and it is expensive and inconvenient to the property owner. He felt that perhaps the Task Force missed the opportunity to get the broader segment of the community involved in the Task Force, even though he understood you can't make people participate in

meetings. He felt that 48 business hours is an appropriate amount of time to have the graffiti removed because it will hopefully discourage the people from coming back. However, there are a lot of absentee landlords which may not be able to work within the 48 hour time period. His problem is this is placing the burden on the property owners and he was hesitant to proceed with the penalty phase. He questioned who would be liable if a volunteer injured himself while removing the graffiti, i.e., falling off a ladder. He supported the additional kiosks, the Asheville Mural Project, and looked forward to the one-month pilot program to see how well Quality Forward will handle this on-going maintenance task. He felt we should encourage property owners to remove the graffiti within the 48 hours and make sure they know there is a resource that can remove the graffiti if they want to use it.

Councilwoman Jones felt the one-month pilot program is a good start. She said that if any organization can handle volunteers, it's Quality Forward and the City of Asheville is fortunate to have that organization. She felt that as far as maintaining the removal program in the future, if it becomes a problem, then at that time we can begin to discuss possible solutions. The Task Force has brought to Council creative ways with innovative ideas to combat this problem with the use of volunteers and the only

other alternative is to use tax dollars.

Vice-Mayor Mumpower wondered if we have exhausted our options in terms of creative and enforcement policies. Police Chief Hogan said that the police take graffiti very seriously and he will discuss this issue with his personnel and with the District Attorney's office.

Vice-Mayor Mumpower didn't think we have exhausted our options. He said that there are other variables to be considered, like private property rights, etc., before Council can make an informed decision. Based on those variables, he felt there should be additional research, which might include asking our Police Chief to find creative enforcement opportunities with the District Attorney's assistance, possible funding in support for the volunteer and educational initiatives, and maybe a reward program as an incentive to tell people this is not okay.

On behalf of City Council, Mayor Worley thanked Ms. MacQueen and Ms. Brown and the entire Task Force for working diligently on this very difficult problem.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

### **THE RIVERLINK URBAN RIVERFRONT MASTER PLAN**

Ms. Karen Cragolin, RiverLink Executive Director, said that this is the consideration of a resolution adopting the Wilma Dykeman Riverway Master Plan as part of the Comprehensive Plan for the City of Asheville.

Several years ago, the City contracted with RiverLink for the preparation of a master plan for the urban areas of the French Broad and Swannanoa rivers. Later, the scope for this plan was broadened to include what is now called the Wilma Dykeman Riverway concept.

Mr. Joe Minicozzi, planner with RiverLink, reviewed the plan with Council stating that working with a large, broad-based group of citizens and with City staff, RiverLink and its consultants have completed an Urban Riverfront Master Plan that envisions nodes of relatively dense urban development in a scenic riverfront setting. The plan capably marries land use, transportation, water quality, and economic development goals in a manner that implements City Sustainable Economic Development Task Force and Smart Growth objectives. Under the plan, the main road linking the two rivers will become a unified transportation corridor; economic development opportunities and strategies are identified and mapped out; and a land use pattern consistent with traditional development design throughout the City is encouraged. Additionally,

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environmentally sensitive restoration of the rivers to promote public access, recreation, and commerce is to be accomplished through plan implementation.

He explained the considerable public involvement in the development of this plan. Additionally, RiverLink received preliminary feedback from City Council concerning the direction of the plan in January of this year. Cost estimates are \$2 Million for 17 miles for a total of \$34 Million project.

Key future actions for the City called for in the plan include:

- Continued support for moving the Riverway project forward.
- Continued involvement in the recreational improvements called for in the plan.
- Consideration of changes to zoning requirements to implement key plan components.
- General support for private sector redevelopment of properties as proposed in the plan.

#### **Pro's**

- Major new transportation initiative has the potential to relieve traffic congestion and spur new economic development.
- Potential to dramatically increase tax base through private sector redevelopment.
- Strong public support for proposal due to its comprehensive treatment of urban riverfront issues, including economic development, transportation, recreation and beautification.

#### **Con's**

- May result in displacement of some existing uses along the river area through market forces or road widening.

In addition to the plan meeting or exceeding more than 100 goals and strategies in the City's 2025 Plan, the plan supports the following Goals and Objectives of the City Council's Strategic Operating Plan:

Economic Development Goal # 3, Objective A - Mobilize collective resources and goals by implementing a unified regional economic development plan. Riverfront redevelopment has been a regional goal since the Sustainable Economic Development Task Force made it a priority area in its strategic plan report. Consequently, the Urban Riverfront Master Plan can be considered regional in scope as a critical economic development tool.

Natural and Built Environment Goal # 2 - Increased greenway benefits equitably throughout Asheville. The Urban Riverfront Master Plan contains a greenway network that links the north, central and east parts of the City in a continuous fashion.

City staff recommends City Council adopt the Wilma Dykeman Riverway Master Plan as part of the Comprehensive Plan for the City of Asheville.

Upon inquiry of Vice-Mayor Mumpower of where the funds will come from for implementation of the plan, Ms. Cragnolin said that they are relying on the Amendment One – Self Financing Bonds, noting that most projects are paid for by the N.C. Dept. of Transportation highway funds, as well as other appropriations. Vice-Mayor Mumpower felt that to rely on this type of funding does not realistically support the realities of the plan.

Vice-Mayor Mumpower said that to commit the City to a plan of this magnitude without some budget estimates does not seem prudent. He understood that the plan will be implemented incrementally, but he was unable to develop a sense of that process. He felt the City should have more clarify on the how, when, and how much before we back into a commitment on this good endeavor.

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Mayor Worley saw this plan as a vision and not a funding commitment. With a vision in place, it is easier for developers to come in and invest.

Mayor Worley 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.

#### **WEED & SEED GRANT FOR POLICE DEPARTMENT**

Police Chief Bill Hogan said that this is the consideration of application for the Weed and Seed Grant administered by the U. S. Dept. of Justice, Office of Community Capacity Development.

The U.S. Dept. of Justice Weed and Seed grant is one facet of their Weed and Seed initiative. The program is designed to combat violent crime in a specific geographic area with a four-pronged approach: law enforcement, community policing, prevention/intervention/ treatment, and neighborhood restoration. Law enforcement is the "weeding" part of the program. Community programs aimed at prevention, intervention and treatment and at neighborhood restoration are the "seeds." Community policing is the bridge between the two. The program requires the support and involvement of the local US Attorney.

The maximum grant award is \$225,000. At least half of the grant funds must be used for law enforcement. Both the weeding and the seeding activities of the program are based on the strategic plan and budget written by the steering committee and submitted with the application for official recognition in mid-October. Decisions on grant applications are expected to be made in the early spring 2005. Any funds awarded are expected to be available in October of 2005 and must be spent by October of 2006. Program recognition and opportunity to apply annually for grant funding is limited to a term of five years.

This is a long-term approach to crime reduction. Program requirements include a full-time site coordinator, and strongly encourages a "safe haven," in or accessible to the community and open hours that are convenient to residents, to provide services. There are no grant funds to renovate or acquire buildings. The Department of Justice requires academic or other research partners to evaluate the program's success.

The Weed and Seed program is one that allows several departments and community entities to come together for a common goal. This approach could produce a positive, collaborative outcome. It allows the community to state their desires and work, with other agencies to produce a healthy, cohesive community. The law enforcement element consists primarily of suppression activities. These activities include enforcement, adjudication, prosecution, and supervision efforts designed to target, apprehend, and incapacitate violent street criminals who terrorize neighborhoods and account for a disproportionate percentage of criminal activity. The program expects the recognized site to use existing programs already in place and bring in the elements that

are missing to make it a success, not re-invent the wheel. The Police Department will form a Steering Committee from multiple agencies. The budgeting decisions and the strategic plan, including program goals, objectives, activities, tasks, and standards for success all come from the steering committee. The program's focus on community involvement, enhancing existing programs, planning for sustainability of the funding beyond the grant horizon, and building community capacity provide a good theoretical basis for long-term community improvement.

Weed and Seed is designed to operate in a specific, identified neighborhood (minimum population 3,000) rather than the city at-large.

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This is a selective program, in that 25% of the proposed programs receive official recognition. Of the areas that achieve official recognition, only 60% of those applied will receive any funds.

While at least half of any grant money is required to be spent on law enforcement, that amount does not automatically go to fund more officers. There will be pressure to use part of that required law enforcement money for community policing (not necessarily with APD officers), there will be pressure to limit the law enforcement portion of any grant funds to only the required 50%, and since "enforcement" includes prosecution, there might be some pressure from that front, too.

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Long-term sustainability and the capacity for improvement are stressed by the literature. There is an expectation that the city will continue its commitment to the process.

Pros:

- The Weed and Seed program allows City departments and community entities to come together for a common goal.
- Grant funds can be used for police officer overtime.
- There is no local match for this grant.

Cons:

- Before grant submittal, a steering committee must be appointed to develop a community-devised strategic plan and budget.
- It's suggested that a consultant is needed to assist in the facilitation and program creation of the strategic plan. This will require an outlay of money by the city before the grant monies are available. None of the grant monies may be used for this function.
- The timeline to apply for this program this year is extremely tight.

#### Strategic Operating Plan and Focus Area:

This program would enhance the focus area, "Critical Services & Infrastructure." goal #4, *"Develop programs and policies to defeat street level drug problems and crime."* Depending on the "seeding" programs included by the steering committee, it could also further task #2 of the focus area "Housing Opportunities," goal #4, objective B: *"Increase the number of citizens transitioning from public housing to affordable housing and from rental housing to home-ownership"*

At the request of Councilwoman Jones, Police Chief Hogan said that he would be happy to contact her for additional names from agencies who are willing to participate on the Committee.

Councilwoman Jones hoped that the Housing Authority HOPE 6 Committee and this Steering Committee work together.

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Councilwoman Bellamy passed out a brochure from the Raleigh Weed & Seed Program and explained the huge impact that program is making in Raleigh. She talked about the impact the program is also making in Gastonia.

It was the consensus of City Council to make application for the Weed and Seed grant next year since the grant process for this year's deadline is fast approaching (August 29, 2004) and the Steering Committee will need adequate time to develop a strategic plan.

#### **I-26 CONNECTOR**

Councilman Newman said that Michael Moule will be providing the N.C. Dept. of Transportation (NC DOT) the information he presented to City Council at their July 13, 2004, meeting. He was looking forward to hearing the results of the discussions between Mr. Moule and the NC DOT. He was hopeful that NC DOT will report back that there is an opportunity for a smaller footprint with an adequate number of lanes.

At 7:25 p.m., Mayor Worley announced a short break.

#### **VACATE AND CLOSE 1086 HENDERSONVILLE ROAD**

Due to the lateness of the hour, Councilman Dunn requested, and City Council concurred, to accept the hard copy of the power-point presentation by Housing Code Coordinator Jeff Baker and proceed to the public hearing on the matter at the July 27, 2004, meeting.

#### **STORMWATER BEST MANAGEMENT PRACTICE DEMONSTRATION PROJECT**

Transportation Planner Elizabeth Teague said that this is the consideration of a resolution authorizing the City Manager to negotiate an easement agreement with Thomas and Virginia Honea (landowners), and to direct staff to proceed work with North Carolina State University/Cooperative Extension Service Water Quality Group to utilize an EPA 319 grant to construct and maintain a stormwater mitigation facility as part of the Clingman Forest Greenway.

This project supports the Asheville 1998 Greenway Master Plan and 2003 Update, The 2001 West End/Clingman Neighborhood Citizens Master Plan, and the Clingman Forest Greenway Master Plan, as well as Goal #1 of the "Natural and Built Environment" Focus Area of the Council's 2004 Strategic Operations Plan, "to enhance and preserve air and water quality through comprehensive efforts." It supports:

- Objective C – developing greenways in strategic locations that improve water quality, and the task of securing easements for greenway development; and
- Objective D – complying with Federal NPDES Phase II Stormwater Rules, and the task of partnering with other agencies to develop educational and outreach programs to improve stormwater run-off.

This project was developed in partnership with the Clingman Forest Steering Committee, landowner's Thomas and Virginia Honea, water quality and stream restoration specialist Jon Calabria of NCSU, and City Parks and Recreation and Engineering Department staff. It will utilize EPA 319 funds obtained through NCSU's Cooperative Extension Service Water Quality Group to reimburse the City of Asheville for the purchase of an easement of approximately 0.3 acres and to fund NCSU to design and construct a stormwater wetland to detain and filter stormwater run-off from the Clingman Forest area and the proposed greenway. The project will:

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1. Develop a "first flush" constructed wetland plan that incorporates engineering design, necessary permits, a reconstruction process and pre-and post-stream reconstruction monitoring;
2. Improve water quality to an urban stream, enhancing the Clingman Forest environment and beautifying the proposed greenway corridor;
3. Implement and evaluate the stormwater wetlands restoration as a model for other stormwater treatment facilities and BMPs in the City; and
4. Construct signage describing restoration practices employed for education purposes and establish a demonstration area for workshops and tours.

The positives of this project are that:

- It utilizes EPA 319 funds for easement acquisition and construction costs to the benefit of partners NCSU, community stakeholders, and the City – all easement acquisition and BMP development costs will be covered by the grant funds;
- It will establish a Stormwater BMP demonstration site that will be a resource into the future for Asheville Middle School classes, NPDES Phase II educational programs, and other community stormwater initiatives.
- It will improve an urban stream while managing urban run-off.
- It will enhance the proposed Clingman Forest Greenway, cleaning-up and restoring a polluted area.

The negatives of this project are that:

- It will require time from City staff to manage the easement acquisition process and to coordinate with NCSU on administrative needs for their grant and on BMP construction.
- Once constructed, the facility will need to be monitored and maintained by City staff as a stormwater BMP and as part of the greenway.
- If not properly designed and constructed, the facility could retain standing water for long periods.

Staff recommends that City Council adopt the resolution authorizing the City Manager to move forward with easement acquisition and development of the project.

Upon inquiry of Vice-Mayor Mumpower, Ms. Teague said that the City is still working with the land owners on the actual purchase price (hopefully not over \$12,000) and what the easement boundaries will be.

Mayor Worley 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.

**UPDATE OF REQUEST TO NC DOT TO RENAME “AMBOY ROAD”**

Councilman Davis met with Irby Brinson, Anthony Butzek and Jeff Richardson and reviewed the request to NC DOT to rename “Amboy Road” to “Bob Pressley Memorial Roadway.” Councilman Dunn was unable to attend the meeting. Councilman Davis suggested, after talking with the race people from WNC, that a memorial be done somewhere at the park, rather than name a road for Mr. Pressley. The advantages are that (1) a Memorial is what is called for in the Master Plan; and (2) a Memorial wall will provide opportunity to honor all famous race people in WNC, not just Mr. Pressley. Councilman Davis said that he has talked with Karen Cragolin, Executive Director of RiverLink, and she is very supportive of the idea. Mr. Brinson and Mr.

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Richardson are working on potential private dollar sponsors to pay for the memorial wall. Mr. Brinson’s staff can design the wall internally. Councilman Davis will help make the final determination of the list of honorees.

City Attorney Oast reported to Council that they have found no one with the name “Amboy” in the chain of title.

It was the consensus of Council to ask Councilman Davis to move forward in the direction of a memorial, with an anticipated dedication in the spring.

**HARD DRUG INTERDICTION – A BRIDGING OPPORTUNITY**

Vice-Mayor Mumpower said that based on a conversation with the Police Chief and the City Manager, he would not be making a presentation on this item at this time.

**BOARDS AND COMMISSIONS:**

It was the consensus of City Council to instruct the City Clerk to arrange for interviews with John Kiser and Ross Dryer for an alternate vacancy on the Board of Adjustment.

Vice-Mayor Mumpower said that on July 9, 2004, an email was received from Mr. Peter Crosa, Chairman of the Civic Center Commission, requesting the Civic Center Commission be reduced from 11 to 7 members, ensuring the certainty of a quorum with at least 4 members. He explained that it has been difficult to reach a quorum at the monthly meetings. They feel the reduction will improve functionality of the Commission and that a reduced number will still assure a talented and diverse group of



members. He then presented an alternative request, if Council does not feel it's in their best interest to reduce the membership to 7 – reduce the membership from 11 to 9 members. After discussion, it was the consensus of Council to instruct the City Attorney to amend the Civic Center Commission ordinance by reducing its membership from 11 to 7 members and to revisit the membership reduction in six months.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint John Broadbooks to the Civic Center Commission.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Stephanie Cooper, Alexander Maitland and James Lewis to the Police Officers & Firefighters Disability Review Board.

It was the consensus of City Council to instruct the City Clerk to arrange for interviews with Matthew Marquis, Suzanne Jones and Jaan Ferree for a vacancy on the Historic Resources Commission. In addition, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Keith Hargrove to the Historic Resources Commission.

City Council directed the City Clerk to readvertise the vacancies on the Fair Housing Commission and the Planning and Zoning Commission.

**ADJOURNMENT:**

Mayor Worley adjourned the meeting at 8:08 p.m.

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CITY CLERK

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MAYOR