

Worksession

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

Absent: Councilman Joseph C. Dunn

CONSENT AGENDA:

Animal Control Ordinance Technical Changes

Summary: The consideration of an ordinance making minor amendments to the Animal Control Ordinance to insure that the civil penalties will be applicable to violations of Article II and Article III of the ordinance.

On May 24, 2005, City Council passed a revised animal control ordinance. Upon further review of Sec. 3-20, staff questioned whether the civil penalties in Sec. 3-20 could be applied to violations of Article II (Restraint of Animals) and Article III (Livestock and exotic pets) of the ordinance. Based on the wording in Sec. 3-20, it appeared that civil penalties could only be issued for violations of Article I (i.e. animal care, animal licenses etc). It is staff's opinion that the civil penalties should be applicable to the entire ordinance and recommends changing the wording in Sec. 3-20 from "Article" to "Chapter."

Pros:

- Insures that City staff can issue civil penalties for violation of every article of the Animal Control Ordinance.
- Resolves any ambiguity regarding the applicability of civil penalties to violations of Article II and Article III of the ordinance.

Cons: None noted.

City staff recommends approval of the ordinance making minor amendments to the Animal Control Ordinance to insure that the civil penalties will be applicable to violations of Article II and Article III of the ordinance.

Agreement with the Asheville Humane Society

Summary: The consideration of a resolution authorizing the City Manager to sign an agreement with the Asheville Humane Society for animal shelter services within the corporate limits of the City for Fiscal Year 2005-06.

For the past few years, Buncombe County has required the City to pay for animal shelter services through the Asheville Humane Society, who has contracted with the County to run the animal shelter. On June 28, 2005, the City approved the budget for Fiscal Year 2004-05 and in that budget approved \$121,000 to pay for shelter services. The City and the Humane Society need to enter into an agreement for the shelter services for the term of July 1, 2005, through June 30, 2006.

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Advantages to the contract: The City will not have to pay for the construction and operation of its own animal shelter to take care of its animal sheltering needs and the Humane Society will be responsible for the care of all animals brought to the shelter.

Disadvantages to the contract: The City has to pay out of its general fund for shelter services where Buncombe County provides the same services to all other non-incorporated county residents at no additional cost except through county taxes.

City staff recommends the adoption of the resolution for animal shelter services for the term of July 1, 2005, through June 30, 2006.

License Agreement with Arch Wireless Operating Company Inc.

Summary: The consideration of a resolution directing the City Clerk to publish a Notice of Intent to execute a License Agreement with Arch Wireless Operating Company, Inc. (Arch) for an antenna at 36 Reservoir Road.

The property at 36 Reservoir Road known as White Fawn Reservoir is on a knoll at the western end of the Beaucatcher Mountain ridge overlooking downtown to the north, Mission Hospital to the west and Kenilworth to the south. The circular concrete rim of an in-ground water tank that has been completely filled is the only trace of its former use. Two telecommunication towers are located on the property and the City of Asheville leases antenna space on the towers and ground space for related equipment.

Arch Wireless Operating Company, Inc. has operated an antenna and related equipment at the site since December 1993. The

antenna is located on the tower known as the "BellSouthTower" which is the tower to the west. The proposed License Agreement will enable Arch to continue operating an antenna at that site; however, there is a provision which allows the Licensor to terminate the agreement upon 180 days notice or the Licensee to terminate the agreement with 60 days notice. The term of the License Agreement will be 3 years with no renewal periods. Arch will pay a License Fee of \$350 per month (\$4,200 annual) the first year with a 4% annual increase thereafter. In addition to the License Fee, Arch will pay a Utility Fee of \$150.00 per annum.

The positive aspects of the transaction are:

1. The license will generate revenue
2. The license fee represents fair market value.
3. The transaction will retain a fee tenant rather than having a vacant space.
4. It will facilitate Arch being able to continue providing a valuable service to its customer

There are no negative aspects to the transaction

Planning Department staff recommends adoption of the resolution directing the City Clerk to publish a Notice of Intent to execute a License Agreement with Arch Wireless Operating Company, Inc. for an antenna at 36 Reservoir Road.

Field Services Coordinator Ed Vess responded to questions from Councilwoman Jones about the difference between this license agreement and the license agreement that MAIN requested earlier this month.

Advertise offer to purchase property on Bartlett Street

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Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer to purchase property on Bartlett Street in the East Riverside community.

A bid has been received from Ray Quate in the amount of \$2,500 for the purchase of a small parcel of land on of Bartlett Street in the East Riverside community.

The land on Bartlett Street is a rectangular shaped parcel comprising 0.062 acre± (approximately 21' x 127'). It is gently sloping from east to west with the grade of Bartlett Street. It is unimproved and covered with grass. The subject parcel is a cut-out from a 5.73 acre property acquired from the Housing Authority which is now a part of Murray Hill Park. The lot is not large enough to build on as a separate parcel. Based on an opinion letter dated May 11, 2005, by L. Ted Prosser, the value of the cut-out parcel is \$2,500. The bid from Ray Quate, owner of the adjacent parcel is in the amount of \$2,500. Mr. Quate is renovating the building on the adjoining parcel with historic consideration to provide three (3) main floor artist's studios and five (5) second floor apartments with inside parking. He purchased a 0.13 acre parcel from the City to provide access to the second floor parking in November, 2004. He plans to assemble the subject parcel with his property to provide improved access to the parking and a better buffer.

The proposed renovations are consistent with the Strategic Plan policies of encouraging a strong small business environment and increasing the supply of affordable housing.

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 small parcel will be assembled with an adjoining parcel to provide a more efficient land use.
5. The sale of this lot to Mr. Quate will facilitate the re-development by providing improved access.

Planning & Development staff along with Parks & Recreation staff recommend adoption of the resolution which will initiate the sale of the property through the upset bid process.

Contract for Traffic Calming in Redwood Forest

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with Dee Williams and Company, Inc. in the amount of \$65,000 to install traffic calming in the Redwood Forest neighborhood.

As part of the approval of the Riverbend Development on Swannanoa River Road, the developer was required to pay for traffic mitigation in adjacent neighborhoods. Staff determined that the neighborhood impacted most by the development was Redwood Forest. Staff has been working with the neighborhood to develop a plan.

Staff and the neighborhood (in accordance with the Traffic Calming Policy) completed the plan. Staff requested bids for the project. We only received one bid from Dee Williams and Company, Inc. The original bid exceed the funds for the project. We have negotiated with Dee Williams to reduce the cost of the project to \$65,000.

This contract will not include improvements to the intersection of Swannanoa River Road and Beechwood Road. We have not received an approved encroachment from the N.C. Dept. of Transportation. We are still working with them to obtain this approval. The cost for

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improvements at this location is estimated at \$5,000 to \$7,000. This work will be performed by the City Public Works Department.

Considerations

- This does not allow us to do traffic calming in any other neighborhood's unless additional money is appropriated.
- The contractor is a Certified Minority Business.
- The money for this project is currently budgeted.
- We are able to complete the project as design with this contract.

Staff requests that City Council authorize the City Manager to sign a contract with Dee Williams and Company, Inc. in the amount of \$65,000 to install traffic calming in the Redwood Forest neighborhood.

City Engineer Cathy Ball responded to various questions from Council regarding the traffic calming in Redwood Forest.

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

SIDEWALK USE ORDINANCE AMENDMENT

City Development Director Sasha Vrtunski said that this is the consideration of an ordinance revising the sidewalk ordinance to be applicable to other commercial areas of the City besides the Central Business District and Biltmore Village.

Currently, the sidewalk ordinance, Article V of Chapter 16, applies only to the Central Business District and the Biltmore Village area. Staff has received a request for an outdoor dining permit in the arts district off of Clingman Avenue. Because this area is neither in the Central Business District nor Biltmore Village, staff is prevented from issuing a permit. This is an example of an area that would benefit from businesses spilling out onto the sidewalk making the area more pedestrian oriented. Expanding the scope of the ordinance will allow staff to issue permits to businesses that are located adjacent to a sidewalk and would like to spill out onto the sidewalk.

In addition, staff is anticipating requests from other areas of the City, such as the Haywood Road Corridor, the Head of Montford or Charlotte Street. Widening the scope of the ordinance will allow these businesses to place outdoor dining or retail on the sidewalk. It will also allow for pushcarts to be located in commercial areas as well. All of the same requirements will remain in effect which will ensure that there is sufficient room on the sidewalk for pedestrians.

The proposed changes to the ordinance will allow permits to be issued for outdoor dining and retail in places where there is an appropriate place on the sidewalk for these uses. The outdoor dining or retail area must be either in front of or adjacent to the business.

Advantages:

- Wording amendment will allow staff to issue permits in new areas that are appropriate for outdoor dining, retail and pushcarts. Some businesses will be able to expand their service area where the sidewalk width allows.
- Outdoor seating and retail is seen as a way to make streets more pedestrian friendly and inviting to customers. This expansion of the ordinance may increase the number of areas in the city with this character.

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Disadvantages: None noted.

City staff recommends the adoption of the ordinance revising the sidewalk ordinance to be applicable to other commercial areas of the City besides the Central Business District and Biltmore Village.

Upon inquiry of Councilwoman Jones about the possibility of having access to the Unified Development Ordinance during Council meetings, Planning & Zoning Director Scott Shuford explained how they are in the process of providing that resource to Council and that they will be coordinating that when the City's new webpage comes online.

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

UDO AMENDMENT REVIEWS

City Attorney Oast said that these Unified Development Ordinance amendments are being brought before City Council in order that staff may respond to questions Council may have prior to the public hearings, which have been scheduled on the appropriate City

Council agendas. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Umbrella Signs

Urban Planner Julia Coburn said that this is the consideration of an amendment to the Unified Development Ordinance for the purpose of adding provisions for umbrella signs.

The current sign regulations of the City of Asheville do not address umbrella signs. Umbrella signs are those signs printed on umbrellas that are commonly used at outdoor eating and drinking establishments and often advertise products sold on the premises. This amendment provides for such signage.

This ordinance amendment defines umbrella signs as those signs printed or painted on an umbrella. This amendment goes on to classify umbrella signs as a type of sign exempt from permit requirements. This means that an umbrella sign is permitted without having to actually obtain a permit for the signage so long as the applicable regulations are met.

The regulations stipulated in this amendment for umbrella signs include that such signs not be illuminated, that they be located at a lawfully permitted outdoor dining/drinking establishment, that they not be suspended from the umbrellas, and that the signage be limited to 25% of the surface area of the umbrella cloth.

The amendment has been routed to CAN, CREIA, and CIBO for review and comment.

Pros-

- The amendment sets forth regulations for a type of signage not currently addressed in the UDO and which has been raised as an issue for enforcement staff.
- The amendment permits umbrella signs without permit (subject to specific requirements) which will not add to the permitting burden for staff.

Cons-

- The amendment allows this type of signage (with restrictions) that may be considered to add to sign clutter.

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The Planning and Zoning Commission recommended approval of this code amendment on February 2, 2005, by a unanimous vote of 7-0. Staff recommends approval as well.

Definition of Adult Establishments

Urban Planner Julia Cogburn said that this is the consideration of an ordinance to amend the Unified Development Ordinance for the purpose of changing the definition of "adult establishments.

The UDO regulates "adult establishments" as conditional uses. In defining "adult establishments" the current ordinance simply refers to the definition contained in the North Carolina General Statutes.

The definition of "adult establishment" found in the North Carolina General Statutes does not specifically address retail operations that deal specifically with "sexually oriented devices" although that term is defined in the statutes. N.C. Gen Stat. sec. 14-202-11 gives local governments power to regulate "adult establishments or other sexually oriented business to the extent consistent with the constitutional protection afforded free speech." "Sexually oriented devices" are defined in the statutes as "without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device."

Due to recent inquiries concerning operations that retail "sexually oriented devices," the Planning and Development Department and the City Attorney's Office recommend the addition of operations where the principal retail business is in such items to the definition of "adult establishment."

The amendment has been routed to CAN, CREIA, and CIBO for review and comment.

Pros-

- The amendment clarifies an issue that has recently been brought to staff's attention as to whether or not retail operations dealing primarily in "sexually oriented devices" are "adult establishments."

Cons-

- The amendment could be viewed by some as unnecessary over regulation of adult establishments.

The Planning and Zoning Commission recommended approval of this code amendment on March 2, 2005, by a unanimous vote of 6-0. Staff recommends approval as well.

Establishment of New Live-Work Unit Requirements

Planning & Development Director Scott Shuford said that this is the consideration of an amendment to the Unified Development Ordinance ("UDO") to establish new live-work unit requirements and to allow such uses in various zoning districts.

This code amendment is intended to accommodate a mixed residential/ commercial use of property known as live-work. A live-work unit can be defined as a building or space within a building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. Since a live-work unit as defined above is predominately commercial in nature, it should be regarded as the equivalent of 0.5 residential unit for the purpose of applying density requirements.

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The parking requirements for a live-work unit should be based on the square footage of the nonresidential use plus one space for the residential use. The minimum parking for the nonresidential space of a live-work unit should be the same as for other retail and office uses (a minimum of one space per each 350 square feet and a maximum of one space per each 250 square feet).

Live-work units should be allowed in any zoning district that allows a mix of commercial and residential uses (i.e., virtually all zoning districts that are not exclusively residential).

Pros

- Provides an added option for entrepreneurship development.
- Accommodates an increasingly popular form of land use that can reduce trip generation by mixing uses.

Con

- None noted.

On July 6, 2005, the Planning and Zoning Commission recommended approval of the proposed code amendment by a vote of 7-0. City staff recommends approval of the proposed code amendment as well.

Clarification of Council Direction on Open Space Standards

Planning & Development Director Scott Shuford said that City staff is seeking Council direction concerning the proposed open space ordinance.

At City Council's regular meeting on July 12, 2005, the proposed open space ordinance was postponed to allow for worksession discussion of various issues. In order to best structure that future worksession discussion, City Council clarified issues regarding the open space 'cap' concept; the fee-in-lieu concept, including information on how the decisions will be made on where to use of fee-in-lieu of money; the threshold concept, including the relative extent of the impact based on past development trends; the creation of some incentives for development that exceed the required open space other than the incentives proposed for excess greenway space; and the request that the proposed open space ordinance and the ridge top, steep slope and environmentally-sensitive regulations be brought back at the same worksession.

RIVER REDEVELOPMENT PLAN

Planning & Development Director Scott Shuford said that this is the consideration of a resolution adopting the River Redevelopment Plan funded by the NC Rural Economic Development Center and authorizing staff to forward the Plan to the Rural Center for consideration.

In response to the Fall 2004 floods, the NC Legislature authorized redevelopment planning and implementation monies. In late April, the City of Asheville was awarded a \$20,000 grant from the NC Rural Economic Development Center to prepare a redevelopment plan for Biltmore Village. We were also invited to submit other planning grant applications and were successful in obtaining an additional \$20,000 grant to study two other areas. Council recently approved these grants.

Pursuant to these grants, City staff has prepared the redevelopment plan. Due to the timeframe associated with the Rural Center grants, the plan was developed with only limited public input. It consequently has many areas that will require additional public involvement prior to any implementation actions taking place. However, the plan does follow the adopted Wilma Dykeman Riverway Master Plan in scope and design, examining a mixed-use development pattern and suggesting economic revitalization of the City's urban riverfront, greenway

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implementation, construction of the Wilma Dykeman Riverway, and use of environmentally-sensitive construction methods. It also offers implementation funding from the Rural Center for items not able to be funded using traditional means and opens the possibility of receipt of much more significant funding from the Rural Center for the designated projects.

The following three areas were identified for redevelopment planning:

- Biltmore Village Redevelopment Area – This includes the Biltmore Village local historic district and a large area to the east, including the Koon Development located at Glendale Avenue and Thompson Street.
- East Swannanoa River Redevelopment Area – This area includes property located on Swannanoa River Road across from the Sayles Wal-Mart.
- French Broad River Redevelopment Area – This area is located south of the Smoky Park Bridges southward to the Norfolk Southern RR property.

In the plan, staff proposes to proceed with a variety of tasks; key items are summarized below:

- Conduct public input sessions about the appropriate development pattern(s) and associated financial incentives for the three redevelopment areas and bring these ideas forward for Council consideration.
- Develop, with public comment, best management practices for environmentally-sensitive design for inclusion in the Standards and Specifications Manual.
- Continue to pursue grant and other funding options for implementation of the Wilma Dykeman Riverway Plan and begin implementing the Riverway project by allocating the federal earmark funding to studying the corridor in the three redevelopment areas.
- Pursue improvements to Biltmore Village called for in the plan, including traffic safety and aesthetic improvements and funding for an architectural “flood proofing” program for vulnerable historic buildings to ensure their continued economic vitality.
- Bring forward ideas for constructing public parking in Biltmore Village after reviewing these ideas with the public and with Biltmore Village property owners.
- Purchase floodway properties in the East Swannanoa River redevelopment area from willing sellers.
- Demolish an unsafe structure in the Biltmore Village area.
- Design and construct the riverside greenway in the French Broad River redevelopment area.
- Seek consultant services about the use of project development financing in the French Broad River redevelopment area.

He said that the key components of the Plan include (1) identifies projects for Rural Center implementation funding for each area; (2) proposes the use of federal earmark funding to study Riverway improvements in each area; (3) lays out public involvement program for identifying (a) desired land use and zoning pattern for area redevelopment; and (b) financial incentives needed to implement desired pattern of redevelopment; (4) proposes creation of best management practices for environmentally sensitive development; (5) proposes hiring consultant to identify opportunities and mechanism to use project development financing to jump-start river redevelopment; and (6) proposes active implementation efforts for the parking, traffic circulation, and aesthetic improvements called for in the Biltmore Village Development Plan.

If the Rural Center Board approves the Plan, the City will become eligible for grant funding of up to \$700,000 per area.

City staff recommends City Council adopt the River Redevelopment Plan funded by the NC Rural Economic Development Center and authorize staff to forward the Plan to the Rural Center for

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consideration. The next steps will be to (1) implement Rural Center projects; (2) identify desired development pattern and financial incentives; (3) create development and design standards; (4) proceed with riverway construction design; and (5) pursue implementation of other plans.

Throughout Mr. Shuford’s presentation, he responded to various questions/comments from Council.

Vice-Mayor Mumpower said that he didn’t have a clear vision of our ability to create a sustainable reality that doesn’t become elitist in Asheville. Mr. Shuford said that he would be happy to come back at a future worksession and update them on some model projects that have been developed for at least five years.

City Manager Jackson said that since there is some City Council interest in looking at the strategies that other communities have used to try to mitigate the potential impacts of displacing people who have grown up and own property in these neighborhoods and would like to stay while they are redeveloped, staff will look at best practices elsewhere on how other communities have either failed or succeeded in addressing that issue.

Councilman Newman felt that the vision is attractive, but he would like more information on the trade-offs, in terms of redevelopment potential vs. the environmental impact that that will cause.

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

At 4:33 p.m., Mayor Worley announced a short recess.

NEW DAY CENTER PRESENTATION

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Ms. Helen Beck, Director of the Workforce Development Board, explained that Nurturing Encourages Winners – Dedicated to All Youth Center (NEW DAY) is a community-based program currently operating under the auspices of Partners Unlimited Inc., a 501 (c) (3) non-profit organization established in October 1997. They share in common the desire to help young people build a strong foundation for success in life by providing them with the information and support they need to bridge the gap between themselves, their families and society. Together, NEW DAY Center and Partners Unlimited form a unique organization in that they work with youth, their families and the community to build strong communication links and the basic bonds of trust.

Particular concerns of NEW DAY Center include: (1) efficacy of our public schools in addressing social justice issues; (2) obstacles to teacher-driven, student focused education due to the current emphasis on school accountability; (3) the inefficient and often lack of direct involvement of communities, parents, and other supporters in the mainstream of the education process; and (4) the unbalanced focus of attention on primary education often to the neglect and even detriment of secondary schools and students; particularly the cursory attention given to high school dropout, retention, and graduation rates, including such primary indicators as chronic absenteeism, school suspensions, and the lack of many students' ability to maintain academic credit levels commensurate to their cohort graduation year commonly referred to "the ninth grade parking lot."

With our program site in the Reid Center, we are based in a community that is disproportionately victim to the concerns listed above. The community is dominated by low-income public housing developments. With access to Partners Unlimited Inc.'s 15-passenger van, NEW DAY Center can also serve students throughout Buncombe County. Additionally, we expect to have access to vehicles/transportation through the Asheville City Schools and the A-B Technical Community College.

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The NEW DAY Center program will serve as a model of success and innovation. She encouraged City Council support.

Ms. Pat Griffin further explained that they wish to expand the Partners Unlimited program that is currently operating out of the Reid Center. She said that even though at this time they are only seeking Council support, they are in need of financial support as well. They need to purchase the site licenses for 12 computers at \$1,500 a site license.

Vice-Mayor Mumpower felt this program was worthwhile and suggested they see how much money they can raise themselves and perhaps City Council may be able to match that amount. He felt it was important that they demonstrate some fund-raising initiative.

Mr. Jim Drummond responded to various questions from Councilwoman Bellamy regarding the space at the Reid Center, when the program is slated to begin, whether their services are for City and County students, and transportation.

Upon inquiry of Councilwoman Jones, Ms. Griffin explained that NEW DAY Center is a similar model to the Caring for Children effort, however, they serve a different population.

It was the consensus of Council to support the NEW DAY Center program. Regarding financial assistance, it was recommended that they go through the City's normal outside agency review process.

Councilwoman Jones agreed that the normal outside agency funding process is a good idea to follow, however, she hoped that Council will be flexible when there is a pressing community need that comes in that is not in line with the normal process.

DETAILED TRAFFIC ANALYSIS OF I-26 CONNECTOR (I-240)

City Traffic Engineer Anthony Butzek said that this is a summary of results of a CORSIM traffic simulation analysis that was performed for the future I-26 Connector project. The analysis was commissioned by the N.C. Dept. of Transportation ("NCDOT") at the request of City Council, and compares traffic operations under scenarios of a six-lane cross-section or an eight-lane cross-section, with each supplemented by two auxiliary lanes for entering and exiting traffic.

The NCDOT is planning improvements to I-240 between I-40 and Broadway in conjunction with its future designation as I-26. This project, Transportation Improvement Program (TIP) project I-2513, is currently scheduled to begin construction in 2012. An eight-lane cross-section plus two auxiliary lanes is proposed for the project. Numerous community and technical groups have suggested that fewer lanes may be adequate for this project and would significantly reduce the social and construction costs for this project.

The NCDOT commissioned this study at the formal request of the Asheville City Council. A detailed analysis was performed by NCDOT's consultant, StanTec, with the CORSIM model, and City staff was provided with numerous opportunities to review and provide input to the development of the model. As a result of this close cooperation between NCDOT's consultant and City staff, staff is confident in the results of the model. Additionally, NCDOT elected to do the full study, including a calibration, in order to complete the most accurate study possible. You will recall that the City requested them to do a basic CORSIM analysis; they took this a step further for better results.

The model was originally developed for the two time periods of most concern: the morning and afternoon rush hours, known as the AM and PM peak hours. Due to budget constraints, and the fact that the differential in travel times between the six and eight-lane

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alternatives were minimal for the AM peak hour, the model was on completed for the PM peak hour.

As shown in the excerpt from the NCDOT study, the average total travel time for the corridor during the PM peak hour was:

- Northbound traffic: 366.4 seconds (6 min. 6 sec.) with 6 lanes; 356.8-s (5 min. 57 sec.) with 8 lanes.
- Southbound traffic: 398.9 seconds (6 min. 39 sec.) with 6 lanes; 381.5-s (6 min. 22 sec.) with 8 lanes.

In looking at the specific locations where the travel times differ, in the northbound direction, it is fairly consistent throughout the corridor. In the southbound direction, 10 of the 17 seconds of relative delay for the six-lane section come from the section between I-240 and Broadway. This section was modeled as 4-lanes and 6-lanes in the respective alternatives. It is apparent that continuing the 6-lane configuration may be appropriate here for both alternatives, thereby reducing the difference in travel time from about 17 seconds to about 7 seconds. City staff recommends that this be done whichever alternative is constructed.

In summary, the difference in average afternoon rush hour travel time between the two alternatives is a 9.6-second increase (2.7%) per car for northbound, and a 17.4-second increase (4.6%) per car for southbound, although maintaining the 6-lane alternative throughout I-26 (in lieu of reducing to 4-lanes for a small portion) reduces this to 7.0-seconds (1.8%) per car. There appears to be very little difference in real traffic operation between the two alternatives, and no congestion in either. The slightly improved travel time for the eight-lane section comes from the greater likelihood of fast drivers to find an open lane.

Levels of Service (LOS) were not determined from the study but can be projected.

He then showed Council a traffic model showing traffic operations under both scenarios for the year 2035.

Mr. Butzek said that this study analyzed the traffic to a much higher level of detail than previous analyses. The first analysis done was simply based on reference tables. That was very generalized and tends to under-estimate capacity. The next analysis still didn't provide a full level of detail, in that for example it did not consider the effect of the auxiliary lanes. This model, however, goes beyond that and comes up with a very accurate analysis of the condition.

There was considerable discussion surrounding the 8-lane vs. 6-lane cross-sections and whether the NC DOT would consider changing their 8-lane recommendation to 6-lanes, given that this NC DOT state-of-the-art analysis shows that in the year 2030 a 6-lane facility shows no congestion. In addition, Council questioned why NC DOT won't even study the relative merits of a 6-lane facility, based on this current analysis.

Councilwoman Jones favored 6-lanes, however, she felt that whether or not the project is 6 or 8 lanes, the community wants the project to move forward faster.

Vice-Mayor Mumpower wondered if we are being realistic in thinking that we may be able to impact NC DOT's decision.

Upon inquiry of Councilwoman Jones, Mr. Adam Cooper with the Asheville Area Chamber of Commerce said that in brief, the Chamber supports a Connector designed and constructed with a sufficient number of lanes - sufficient to meet level of service requirements for an interstate highway, and that we support inclusion of aesthetic components appropriate to the

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existing beauty of our area. In addition, he said that he would communicate Councilwoman Jones' comments to the Chamber's leadership, being that that she hoped that the Chamber would advocate for the speed of the project and be interested in the facts and what those facts would mean on our community in so many different ways.

As a result of the discussion, it was the consensus of City Council to have the Mayor invite NC DOT Board members to meet with City Council in order to respond to Council's questions/concerns. Council strongly recommended the meeting occur as soon as possible. Councilwoman Bellamy also felt that we should invite our legislators and the County Commissioners to this meeting as well.

NORTH FORK RESERVOIR SPILLWAY OPERATIONS

City Engineer Cathy Ball said that this is an update to review the current guidelines concerning emergency spillway operations at the North Fork Reservoir and to seek direction for further evaluation.

An emergency operation plan and monitoring guide for the Burnette Dam (North Fork) was prepared for the Regional Water Authority in July 1995 by Law Engineering in an effort to insure the integrity of the earthen dam in the case of severe rain events.

This plan provides guidelines for when the spillway flood gates should be opened and is based upon the anticipated precipitation during a 24-hour period. For example, this study states that the gates should be opened 18 feet if rainfall in the reservoir area exceeds six inches during a 24-hour period.

Staff believes that an updated comprehensive study of emergency operations at North Fork, to include hydrological data from the

two September, 2004 storm events, is necessary in order to appropriately analyze downstream impacts of emergency spillway operations. The estimated cost of this study may exceed \$150,000; however, Water Resources has identified funding from within this fiscal year budget to cover this anticipated cost.

City staff recommends moving forward to pursue a Request for Proposals process, to involve key stakeholders from the community, in an effort to complete an updated comprehensive study as discussed above.

Ms. Ball said that since the hurricanes of September, 2004, the City has been working with the community to evaluate and address flooding. These efforts include: (1) receiving a grant from the National Weather Service; (2) receiving a grant from the Rural Center; (3) adopted a Stormwater Enterprise Fund; (4) serving on the Swannanoa Watershed Planning Task Force, headed by RiverLink to develop strategies to address flooding in the Swannanoa River Basin; (5) applied for a Clean Water Trust Fund Grant to develop flooding mitigation in the Dingle Creek Watershed; and (6) recommended a new study be completed of the North Fork Reservoir.

Regarding the National Weather Service Grant, we (1) applied for a \$170,630 grant to purchase, install and maintain additional rainfall gages, high water monitoring stations, and develop an action plan for various flooding events in February 2005; (2) received \$57,000 for equipment in May 2005; and (3) working with Warren Wilson College to develop a plan to install and maintain equipment.

Regarding the Rural Center Grant, we (1) received \$40,000 to develop a River Redevelopment Plan; (2) anticipate receiving \$700,000 to implement the plan in the Biltmore Village area, of which \$375,000 will be allocated to an architectural analysis and implementation program to assist Biltmore Village property owners with the flood-proofing of their historic

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structures; and (3) additional funds may be available for other redevelopment areas described in the Plan.

With the Stormwater Enterprise Fund, (1) stakeholders recommended Council adopt a Stormwater Enterprise fund as a dedicated funding source to address a federal mandate as well as flooding issues; (2) Council adopted an ordinance establishing a Stormwater Enterprise Fund in December of 2004; (3) Council adopted budget and fees as part of the Fiscal Year 2006 Operating budget; and (4) budget includes \$200,000 for developing Maser Plans in the Biltmore Village area and Dingle Creek.

She said that several staff members serve on the Swannanoa Watershed Planning Task Force to identify flooding issues in the Swannanoa River Basin.

Regarding the Clean Water Trust Fund, (1) in June 2005, submitted a grant to the Clean Water Trust Fund for over \$500,000 to address flooding issues in the Dingle Creek area. City's match would be \$100,000 from Stormwater Enterprise Fund for the Stormwater Master Plan for Dingle Creek; and (2) grant will be awarded in November or December of 2005.

With regard to the North Fork Reservoir, (1) 1995 Law Engineering Plan addressed how to maintain the structural integrity of the dam; (2) staff has determined that an additional engineering study is necessary to evaluate the following: Emergency Action Plan, Operation and Monitoring Plan, and Flood Operation Plan, including guidelines for operating the dam before and during flooding events, to include impacts on downstream flooding; and (3) the cost of the study is estimated at \$200,000.

She said that staff's recommendations are (1) to develop a Request for Proposals to evaluate the Reservoir as described previously; and (2) work with an advisory committee (consisting of a sub-group of the Swannanoa Watershed Planning Task Force to include representatives from the following agencies: RiverLink, Buncombe County, Town of Black Mountain, City of Asheville, Biltmore Village, and professional representatives, i.e., engineers, architects, etc.) to review the Request for Proposals in order to make sure that the study will address the technical and operational issues of the dam and downstream impacts.

Upon inquiry of Councilwoman Jones, Ms. Ball said that staff would like to come back to Council in late September to award a contract and hopefully have plan in place by next hurricane season.

Upon inquiry of Vice-Mayor Mumpower, Ms. Ball said that the existing protocols we are operating under are from the 1995 Law Engineering study. The 1995 study addresses both Bee Tree and North Fork. The study is very good from the standpoint that it made the recommendation it was asked to do in that the study developed the protocol with the only goal of protecting the dam. She explained further that the dam was not designed to be a flood control dam. It was designed to be a water source. No one studied how to make the dam work with the downstream flow in the event of flooding. That is the study they are asking for now. Again, she feels confident that the City did what was right during that time, based on the information we had from the 1995 study.

Mayor Worley said that the study will determine how we fill the goal of protecting the dam and to what extent we can also use the dam to have an impact on downstream flooding, and to the extent possible, mitigating that.

Upon inquiry of Vice-Mayor Mumpower, Interim Water Resources Director David Hanks said that we started this process last October. He explained that we brought in experts from the most renowned engineering firm in the county that deals with this kind of damage in dams and we

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have been having dialogue and meetings with them on site to get their guidance as to where we need to go. We have also been collecting the data from last September to have some kind of model to proceed with to help when we go out with the formal Request for Proposals. We were at a point about 1.5 months ago to go forward to Council, but at the time we didn't have the funds to move forward, so we now have it in this year's budget.

City Manager Jackson said that it is staff's recommendation that while this study is on-going that you continue to see this facility operated according to the same standards that were in place last year. The professional staff would not recommend continuing to operate under the 1995 Law Engineering study if it did not have merits and application. To the credit of the staff, they were working on this and they are open and receptive to this kind of credible re-evaluation and broadening of the scope of the study. We will learn things in 2006 that were not available to the City in 1995. The scope has been widened and it will answer the important questions that have been raised, but the 1995 study still provides a basic framework to safely operate and maintain the facility. We will also step up communications with residents and property owners in this area because we want them to be aware of what we are doing and how this Council is being responsive and the staff is planning for the future as well.

It was the consensus of Council to instruct City staff to move forward to pursue a Request for Proposals process.

BOARDS AND COMMISSIONS:

It was the consensus of Council to instruct the City Clerk to arrange interviews for Craig Young and Robert Burns for a vacancy on the Citizens/Police Advisory Committee.

It was the consensus of Council to instruct the City Clerk to arrange interviews for Susan Chambers Overstrom, Meg Winnecour and Bill Fishburne for a vacancy on the Public Art Board.

MISCELLANEOUS

- Councilwoman Jones suggested that the Corporate Academy name be changed to perhaps the Citizens Academy or the Asheville Academy.

CLOSED SESSION

- At 6:31 p.m., Councilwoman Bellamy moved to go into closed session for the following reasons: (1) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including potential litigation. The statutory authorization is contained in G.S. 143-318.11(a)(3); and (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment or initial employment of an individual prospective public officer or employee. The statutory authorization is contained in G.S. 143-318.11(a)(3); and to prevent the disclosure of information that is confidential pursuant to G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in G.S. 143-318.11(a)(2). This motion was seconded by Councilman Davis and carried unanimously.

At 8:55 p.m., Vice-Mayor Mumpower moved to come out of closed session. This motion was seconded by Councilwoman Bellamy and carried unanimously.

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ADJOURNMENT:

Mayor Worley adjourned the meeting at 8:55 p.m.

CITY CLERK

MAYOR