

Tuesday - November 19, 1996 - 4:30 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Budget Amendment for Maintenance of 35 Additional Traffic Signals

Summary: The consideration of entering into an agreement with NC Department of Transportation ("NCDOT") whereby the City will accept maintenance responsibilities for 35 additional traffic signals with reimbursement from NCDOT.

The City of Asheville Traffic Engineering Division has been working with the NCDOT for many years on the maintenance of Traffic Signals and Control Devices within the City of Asheville. By controlling the maintenance activities associated with these devices, we are able to be responsive and sensitive to the needs and requests of citizens and motorists who utilize the roadway system within the City. The Traffic Engineering Division has identified thirty-five (35) additional locations that are within the City that we have agreed to maintain. The locations are listed below:

1. Leicester Highway (NC 63) and Evelake Drive
2. Hendersonville Road (US 25) and Rock Hill Road (SR 3081)
3. Hendersonville Road (US 25) and Atkins Street
4. Hendersonville Road (US 25) and Mills Gap Road (SR 3116)
5. Hendersonville Road (US 25) and Biltmore Dairy Bar
6. Patton Avenue (US 19-23) and Sand Hill Road (NC 112)
7. Patton Avenue (US 19-23) and Asbury Road (SR 1234)
8. Hendersonville Road (US 25) and Long Shoals Road (NC 146)
9. Hendersonville Road (US 25) and K-Mart Plaza/BI-LO
10. Smoky Park Highway (US 19-23) and Acton Circle (SR 1245)
11. Hendersonville Road (US 25) and Royal Pines/Heywood Road (SR 3551)
12. Hendersonville Road (US 25) and Busbee Road
13. Long Shoals Road (NC 146) and Overlook Road (SR 3503)
14. Smoky Park Highway (US 19-23) and I-40 EB Off-Ramp
15. Smoky Park Highway (US 19-23) and I-40 WB Off-Ramp

16. Smoky Park Highway (US 19-23) and Old Haywood Road (SR 1404)
17. Hendersonville Road (US 25) and Turtle Creek Drive
18. Hendersonville Road (US 25) and Deerfield/Wal-Mart
19. Hendersonville Road (US 25) and Biltmore Parkway Centre/Carolina Day School
20. Sand Hill Road (NC 112) and Enka Lake Road (SR 3446)
21. Sweeten Creek Road (US 25 A) and Rathfarnham Road (SR 3185)
22. Hendersonville Road (US 25) and Overlook Road (SR 3503)
23. Hendersonville Road (US 25) and West Chapel Road
24. Brevard Road (NC 191) and Pond Road (SR 3431)
25. Hendersonville Road (US 25) and Vanderbilt Park/Sheriff's Department
26. Airport Road (NC 280) and Fanning Bridge (SR 3539)
27. Patton Avenue (US 19-23-74) and Bear Creek Road
28. Patton Avenue (US 19-23) and West Asheville Plaza
29. Smoky Park Highway (US 19-23-74) and Old Haywood Road
30. Sweeten Creek Road (US 25 A) and Wesley Drive/Givens Estates
Hendersonville Road (US 25) and Gerber Road

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1. Meadow Road (SR 3556) and Victoria Road
2. Hendersonville Road (US 25) and Hollywood Cinemas
3. Patton Avenue (I-240 Ramp) and US 19-23 SB Ramp
4. Hendersonville Road (US 25) and Springside Road (SR 3506)

These new locations will provide an additional \$19,500 in revenue for the new fiscal year.

In order to maintain these traffic control devices for the fiscal year 1996-97, a budget amendment is necessary. Thus, for the first year of this reengineering effort, we will realize a net \$4,000 savings/revenue increase.

The Public Works Department and the Audit and Budget staff recommend adoption of a budget amendment to add an additional \$19,500 in revenue.

Truck Traffic Prohibited

Summary: The City Traffic Engineer has performed the necessary traffic analyses associated with the following locations and is seeking authorization from City Council to prohibit truck traffic along these residential roadways:

Lula Street Entirety

Reed Street Entirety

Irwin Street Entirety

Richmond Hill Drive Entirety

Thomas Street Entirety

The appropriate vehicle axle classification analyses were conducted along with field surveys of the roadways included herein.

1. Lula Street is a 23 foot wide residential roadway that connects US 25 (Biltmore Avenue) to Reed Street. A vehicle axle classification was performed per the request of residents of this area. Trucks and large delivery vans use this roadway as a cut-through between US 25 (Biltmore Avenue) and Sweeten Creek Road (US 25 A). Based upon the residential nature of this roadway and the fact that there exists alternate roadways to accommodate truck traffic, this roadway should be posted as "No Trucks" per City ordinance.

1. Reed Street is an 18 foot wide residential roadway that connects Sweeten Creek Road (US 25 A) to West Chapel Road separated by I-40. A vehicle axle classification was performed per the request of residents of the area. Trucks and large delivery vans use this roadway as a cut-through. Many trucks were actually lost as they utilized this roadway. Based upon the residential nature of this roadway and the fact that these vehicles need more directional information, this roadway should be posted as "No Trucks" as per the City ordinance.

1. Irwin Street is a 16 foot wide residential roadway that connects US 25 (Biltmore Avenue) to Reed Street and Dodge Street. A vehicle axle classification was performed at the request of the residents of the area. Truck traffic was detected. Directional information is needed for vehicles utilizing this roadway that become lost. This roadway should be posted "No Trucks" as per the City Ordinance.

Richmond Hill Drive is a 22 to 26 foot wide residential roadway that connects Bingham Road with Richmond Hill Road. A vehicle axle classifications was performed at the request of the residents of this

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area. Truck traffic was detected; however, there exists alternate roadways to accommodate truck traffic. Directional information is needed for vehicles utilizing this roadway that become lost. This roadway should be posted "No Trucks" as per the City Ordinance.

1. Thomas Street is a residential neighborhood roadway that connects Bingham Road with Richmond Hill Road. A vehicle axle classification was performed at the request of residents of this area. Truck traffic was detected; however, there exists alternate roadways to accommodate truck traffic. . Directional information is needed for vehicles utilizing this roadway that become lost. This roadway should be posted as "No Trucks" as per the City Ordinance.

The Public Works Department recommends the approval of these "No Truck" routes and the posting of necessary signing to advise motorists of these prohibitions.

Speed Reductions

Summary: The City Traffic Engineer has performed the necessary traffic analyses associated with the following locations as per the Manual on Uniform Traffic

Control Devices and the North Carolina Supplement and is seeking authorization from the City Council to change these speed limits.

Establish 20 MPH

Lula Street (entirety)

Irwin Street (entirety)

Thomas Street (entirety)

Summit Street (entirety)

Richmond Hill Drive (entirety)

Establish 25 MPH

Reed Street (entirety)

These locations have been reviewed over the past 12 months as per the request of residents and motorists who utilize these roadways. Field surveys and speed studies were conducted and data reviewed based upon the 85th percentile speed, which is the speed at or below which 85 percent of the vehicles are moving. This speed is reviewed in relationship to the median speed and the pace speed range. The pace speed range is the range of speeds at which the largest concentration of motorists drive. These speeds were all reviewed to address the speeding problems in these areas.

Lula Street:

A speed study was conducted along Lula Street per the request of citizens. There is no posted speed limit along this roadway. The Speed Study indicates that the 85th percentile speed is 23 MPH and the pace range is 16-25 MPH. The residential nature of this roadway and it's width suggests that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendations.

Irwin Street

A speed study was conducted along Irwin Street per the request of citizens in this area. There is no posted speed limit along Irwin Street. The Speed Study indicates that the 85th percentile speed is 23 MPH and the pace range is 16-25 MPH. The residential nature of this

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roadway and it's width suggests that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendation.

Thomas Street

A Speed Study was conducted along Thomas Street per the request of the citizens of this area. There is no posted speed limit on this roadway. The speed study indicates that the 85th percentile speed is 23 MPH and the pace speed range is 16-25 MPH. The residential nature of this roadway and its width suggest that the speed limit be reduced to 20 MPH. The Asheville Police Department concurs with our recommendations.

Summit Street

A Speed Study was conducted along Summit Street per the request of citizens in this area. There is no posted speed limit on this roadway. The Speed Study indicates that the 85th percentile speed is 33 MPH and the pace range is 21-30 MPH. The residential nature of this roadway, it's alignment and width suggest that the safe operating speed limit should be 20 MPH. The Asheville Police Department concurs with our recommendation.

Richmond Hill Drive

A Speed Study was conducted along Richmond Hill Drive as per the request of citizens in this area. There is no posted speed limit along this roadway. There is a substantial grade change along this roadway. The speed study indicates that the 85th percentile speed limit is 33 MPH and the pace speed range is 26-35 MPH. The width of this roadway, its vertical and horizontal alignment and location suggest that the safe operating speed is 20 MPH. The Asheville Police Department concurs with our recommendation.

Reed Street

A speed study was conducted along Reed Street per the request of citizens in this area. There is no posted speed limit along Reed Street. The Speed Study indicates that the 85th percentile speed is 38 MPH and the pace range is 26-35 MPH. The residential nature of this roadway and it's width suggests that the safe operating speed limit should be 25 MPH. The Asheville Police Department concurs with our recommendation.

The Public Works Department recommends the approval of these speed limit changes.

Priority Rating System for Community Development Block Grant Applications

Summary: The City will be receiving \$1,587,000 from HUD through the Community Development Block Grant program for the year beginning July 1, 1997. The funding must be used for activities that benefit low and moderate income persons or aid in the prevention or elimination of slums and blight. At least 70 percent of the funding must be used for activities that benefit low and moderate income persons. Each year during the months of February/March the City evaluates applications received from agencies that have applied to the City for CDBG funding. The deadline to submit the application to the City is January 31, 1997.

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The Housing and Community Development Committee discussed the priority rating system in November 1996 and recommends the approval of the attached rating system which gives highest priority to affordable housing projects.

Community Development staff recommends adoption of the resolution.

BOSTON WAY SPECIAL ASSESSMENTS

Summary: The Public Works Department has assessed the total costs for the Boston Way enhancement project, completed in May 1995, and prepared a preliminary assessment roll.

The property owners residing on Boston Way (from its intersection with All Souls Crescent at its eastern end and ending at its intersection with All Souls Crescent at its western end) petitioned the City of Asheville to add enhancements to Contract 13E, as designed by Vaughn and Melton to construct, pave, widen, install curbs and gutters and otherwise build and improve Boston

Way. Enhancements to the original project included the installation of brick sidewalks, colored concrete, and other features. During the project, enhancements were also constructed east of Hendersonville Road. Therefore, property owners on Boston Way east and west of Hendersonville Road should be assessed for fifty percent (50%) of the costs.

In May 1995, the Boston Way project was completed. In September 1996, the Public Works Department closed out Contract 13E in its entirety, accepted work completed, and determined final costs. The cost of enhancements to the Boston Way project is \$126,303.91 which amount includes the costs of labor, materials, equipment, and the costs of publication of notices and resolution.

A preliminary assessment role for benefited property owners has been prepared. The amount assessed to each benefited property owner is based upon fifty percent (50%) of the enhancement costs at an equal rate per foot of frontage.

The Public Works Department staff recommends the adoption of the Resolution Finding the Boston Way Project Complete, Assessing the Total Costs and Calling for a Public Hearing Announcing the Completion of the Preliminary Assessment Roll.

KITCHEN PLACE SPECIAL ASSESSMENTS

Summary: The Public Works Department has assessed the total costs for the Kitchen Place enhancement project, completed in May 1995, and prepared a preliminary assessment roll.

The property owners residing on Kitchen Place petitioned the City of Asheville to add enhancements to Contract 13E (also known as Contract 10), as designed by Vaughn and Melton to construct, pave, widen, install curbs and gutters and otherwise build and improve Kitchen Place. Enhancements to the original project included the installation of brick sidewalks, colored concrete, and other features. The property owners agreed to be assessed for fifty percent (50%) of the costs of these enhancements.

In May 1995, the Kitchen Place project was completed. In September 1996, the Public Works Department closed out Contract 13E in its entirety, accepted work completed, and determined final costs. The cost of enhancements to the Kitchen Place project is \$106,299.97 which

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amount includes the costs of labor, materials, equipment, and the costs of publication of notices and resolution.

A preliminary assessment role for benefited property owners has been prepared. The amount assessed to each benefited property owner is based upon fifty percent (50%) of the enhancement costs at an equal rate per foot of frontage.

The Public Works Department staff recommends the adoption of the Resolution Finding the Kitchen Place Project Complete, Assessing the Total Costs and Calling for a Public Hearing Announcing the Completion of the Preliminary Assessment Roll.

Vice-Mayor Field asked that the record show that City Council has received this information and instructs the City Manager to place these Consent Agenda items on the next formal City Council agenda.

PRESENTATION FROM THE TREE/GREENWAY COMMISSION

Mr. Henry Mitchell, Chairman of the Asheville Tree/Greenway Commission, reviewed with City Council their goals and objectives, one of which is strengthening the current tree ordinance. He then showed a short video which showed that trees play a vital part in economic development.

Ms. Leni Sitnick, member of the Tree/Greenway Commission, urged Council to use the expertise of the Commission members every opportunity they can. She also asked Council to contact their legislative delegation to ask for enabling legislation giving the City authority to regulate the cutting of trees on private property.

WEAVER BOULEVARD AND BROADWAY GREENWAY UPDATE

Ms. Erin McLoughlin, Urban Planner, said that staff has evaluated the possibilities for developing a greenway with a pedestrian and cyclist path along Weaver Boulevard and Merrimon Avenue to Broadway along with developing a greenway along Broadway and a variety of possible means to acquire necessary landholdings essential to the implementation of the proposed greenway.

With the use of slides she showed that greenways can take many forms. She then reviewed the Weaver Boulevard Project by saying that Weaver Boulevard is a four lane city road that runs in an east-west direction from Broadway to Merrimon Avenue. It serves as the main entrance to the University of North Carolina at Asheville as well as other institutional and residential developments. Currently there are no pedestrian facilities along Weaver Boulevard.

The Public Works Department is scheduled to begin construction in two phases of a 5 foot wide concrete sidewalk and curb along Weaver Boulevard. The first phase of the project will be constructed in the spring of 1997 along the north side of Weaver Boulevard from Broadway to Barnard Street. Funds in the amount of \$80,000 were appropriated for this project phase to serve pedestrian traffic. Presently, funds have not been appropriated for second phase of this project along the north side of Weaver Boulevard from Barnard Street to Merrimon Avenue. The length of Phase I is approximately 2,200 feet in length whereas Phase II is about 2,100 feet in length.

Staff has examined many planning and design possibilities for a greenway which would support pedestrians and cyclists. In order for

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this path to serve various user groups, it should be a minimum of 8 feet wide with a landscape area between the trail and road for safety and comfort. A concrete curb would be constructed along the edge of the road in strategic places where the landscape area is only several feet wide, again for safety and comfort. The trail would be paved in asphalt and level with the adjacent landscape and lawn areas which border it.

Factors such as pedestrian safety, vehicular safety, traffic assessment, topography, land use, cost, and aesthetics were considered during the course of the evaluation. Staff, which consists of selected members of the Planning and Development and Parks and Recreation Departments, has met with members of the City's Public Works and Engineering Departments, representatives from UNC-A and the Botanical Gardens, and some area residents. She then reviewed a map showing the general project location and current phases for construction as follows:

Weaver Boulevard - Phase I

The width of the western portion of Weaver Boulevard's pavement varies somewhat. Along the south side of the road are steeply wooded properties which

meet the edge of Weaver Boulevard abruptly. Along the north side of this right-of-way are the Botanical Gardens and the campus of UNC-A. There are substantial level open space areas in which a greenway path could easily be constructed between Weaver Boulevard and Glenn's Creek with two exceptions. The lawn area between Weaver Boulevard and the Botanical Gardens is a little narrow. This greenway area could be enlarged by reducing Weaver Boulevard's westbound lane widths to approximately 11 feet. Another restrictive area is where Glenn's Creek flows under the western entrance to the UNC-A campus. There is very little space between the edge of the road and the steep bank that drops down to the creek. Although a bridge alternative further upstream could avoid this conflict, it is staff's opinion that bank stabilization still needs to be addressed in the near future since it could undermine Weaver Boulevard. The N.C. Dept. of Transportation ("NC DOT") is willing to place pedestrian signals at the intersection of Weaver Boulevard and Broadway. In addition, staff analysis of the intersection of Weaver Boulevard and University Heights indicates a traffic and pedestrian signal is warranted at the main entrance of UNC-A.

Weaver Boulevard - Phase II

As with the western half of Weaver Boulevard, the eastern portion of pavement varies somewhat in width. Along the south side of the right-of-way are some institutional and residential uses ranging from steep to level slopes. One large tract of land on the south side of Weaver Boulevard between the Boy and Girl Scouts of America and Merrimon Avenue is extremely steep and tall. It consists of a substantial amount of rock which was exposed when Weaver Boulevard was originally constructed. Along the north side of Weaver Boulevard are open space areas of UNC-A, a residence and Glenn's Creek. There are substantial level open space areas in which a greenway path could easily be constructed between Weaver Boulevard and Glenn's Creek. However, there are major design constraints for approximately 1,000 feet on the adjacent properties. The residential lot consists of steep hillside which rise and fall from the road. The steep hillside reflects the steep rock outcroppings found on the south side of the road and meet the edge of pavement abruptly. Immediately east of this hill is Glenn's Creek. It lies approximately 10 feet from the edge of pavement and is supported by an old stone retaining wall on its south side. This narrow landscape strip is steep and consists of a number of mature trees.

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Staff considered various options such as reducing lane widths, grading the rocky hillside, pedestrian decks, culverting the creek and lane removal. Although a sidewalk could be constructed along the road, in light of the aforementioned criteria of a greenway (safety, cost, etc.), staff recommends that the outside, westbound lane of Weaver Boulevard be converted to the greenway path. This would be accomplished by constructing a landscape median approximately 5 feet in width to separate vehicular and pedestrian traffic. NC DOT is willing to install pedestrian signals at the intersection of Weaver Boulevard and Merrimon Avenue.

A preliminary observation of cost developed by staff for Phase I is a minimum of \$180,000. This total does not necessarily resolve the stream bank stabilization issue. A preliminary observation of cost for Phase II is \$95,000. These costs reflect initial planning and design and need to be reassessed as more information about the site, scope of work, and final design are refined. These costs are based essentially on materials, and not on labor and equipment which will be provided in-house by the City of Asheville Public Works, Engineering, Planning and Development, and Parks and Recreation Departments. Reflected in the Phase I costs are consultant fees of approximately \$12,000 to supplement professional service in the Parks and Recreation Department in order

that certain priority projects (e.g., Pritchard Park Request for Proposals and Development, Stephens-Lee Recreation Center Landscape Design and other site specific projects to be determined) would be continued while the effort and attention of the Landscape Architect are focused on this project.

Staff recommends the planning and implementation of a greenway path along Weaver Boulevard. Staff also recommends that Phase I and Phase II be reversed, so that the eastern portion of the project would be completed first (in the spring of 1997) for the following reasons:

- The issue of safety is much more of a concern along the eastern portion of Weaver Boulevard where there is little or no space to walk.
- A greenway path from UNC-A to Merrimon Avenue would provide a much-needed pedestrian and cyclist route to the commercial and residential areas.
- The \$80,000 appropriated in Fiscal Year 1996/97 is much closer to the anticipated costs of the eastern portion of the greenway. Since funds are immediately available, work could commence and the project could move forward.
- The complexities and costs of the western portion of the greenway would delay immediate greenway development.
- The construction of the western portion of the greenway would coincide with the proposed Broadway greenway and the completion of the Broadway widening project.

Staff also recommends that additional funds (\$27,000) be appropriated so that the eastern portion of the project may be completed in the spring of 1997.

Upon request, Mr. James Cheeks, Traffic Engineer, explained the different levels of services ("LOS") and then briefed the Council on the Public Works Department analysis if one westbound lane was converted into the greenway path from Merrimon Avenue to King Street.

- In the eastbound lane, the level of service would remain the same.

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- In the westbound lane (which would be changed from two lanes to one lane), the LOS would drop from a LOS "B" to a LOS "D".
- At the intersection of Merrimon Avenue and W.T. Weaver Boulevard, the LOS would not change.

He explained that the analysis indicated that during peak a.m. hours (8:00 a.m. - 9:00 p.m.) and the peak p.m. hours (5:00 p.m. - 6:00 p.m.), the LOS of the westbound lane would be reduced which may cause delays in this direction. However, the proposed design would only affect the portion of W.T. Weaver Boulevard at a point from the intersection with Merrimon Avenue to the intersection with King Street. After this section, the LOS on the road would remain the same - LOS "B". This reduction to three lanes would allow approximately 12-13' for the design of a greenway. Also, the reduction to three lanes would not require moving or replacing the existing traffic signal at the intersection of W.T. Weaver Boulevard and Merrimon Avenue. From preliminary conversations with the N.C. Dept. of Transportation ("NC DOT"), they probably will not have any objections with the narrowing as our analysis has shown that the LOS will remain the same at the intersection. The pavement markings costs would be reduced as all pavement markings would not have to be removed and reinstalled.

Another option would be the installation of 10-foot lanes (from Merrimon Avenue to King Street) that would gradually widen back to 12 foot lanes at the intersection with King Street. This reduction would optimize usage of the extra right-of-way on the south side of the road but would require the moving of the existing signal. Under this option, the LOS for both the eastbound and westbound lanes would remain the same. This design would provide approximately 7-8' for design of a greenway. However, Planning staff felt that the 10-foot lanes would cause a safety problem because there would be no shoulders - just an immediate sidewalk with no barrier between the pedestrians and the cars. Pavement markings with the 10-foot lanes would have to be removed and reinstalled.

Upon inquiry of Vice-Mayor Field, City Manager Westbrook said that the additional \$27,000 would come from either contingency or fund balance.

Councilman Hay asked if there would be any impact on Edgewood Road traffic if there was the reduction to one lane from Merrimon Avenue to King Street. Mr. Cheeks felt that there would be an adverse impact because Council is now trying to force Edgewood Road traffic to use W.T. Weaver Boulevard, and if W. T. Weaver Boulevard is reduced to one lane in that section, traffic will probably begin to use Edgewood Road again. He did state that he has noticed a reduction in traffic on Edgewood Road.

Mr. Cheeks noted that if Council reduces the lanes to 10 feet, he would need to reduce the speed on that portion of W. T. Weaver Boulevard to 20 miles per hour. The present speed on W.T. Weaver Boulevard is 35 miles per hour, however, 85% of the people traveling on that road are traveling 43 miles per hour.

Ms. Susan Roderick suggested Council consider purchasing the land just south of Boston Pizza. She felt that property would be a nice connection into Weaver Park. She also hoped that Council would consider purchasing land along Broadway for its greenway.

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Upon inquiry of Mr. H.K. Edgerton, Ms. McLoughlin said that skateboarders and bicyclists would be welcome to use the path. City staff is continuing discussions with UNC-A about security.

Ms. McLoughlin then reviewed the Broadway greenway project. She said that for many years discussion has taken place on the desire to construct a greenway along Broadway in conjunction with the Broadway widening project which is currently underway.

The proposed Broadway greenway corridor is located to the west of Broadway and runs parallel to Reed Creek. This portion of the greenway would begin at Chestnut Street and extend north to Catawba Street. This corridor is approximately 3/4 of a mile in length. She reviewed the general location of the proposed greenway.

Staff has determined that currently, much of the needed right-of-way is in private ownership (approximately 14-22 parcels). The City does, however, own some parcels on Broadway. Private property owners will need to be approached and negotiated with in order to secure the right-of-way necessary for the greenway. Many forms of negotiation are used for greenways, including but not limited to: easements, donations, fee simple and combinations of the aforementioned. Local real estate companies do not specialize in this type of work and therefore staff sought proposals from national land conservation firms that do land conservation protection. The Trust for Public Land ("TPL") is the only firm to submit a proposal.

The TPL is a national, non-profit land conservation organization that acquires land for people to enjoy as parks, gardens, natural areas, and open space. They have anticipated having the negotiations completed in approximately six months. The proposal submitted by the TPL is not to exceed \$30,000 for negotiations and due diligence for property. In addition, an estimate of reimbursables for TPL in the amount of \$28,790 (\$25,000 for appraisals, title work and surveys, transportation, hotel, etc.) is included in the contract. Therefore the total contract amount for the proposal by the TPL is \$58,790. Funds in the amount of \$30,000 are available in the Parks and Recreation Department budget for this purpose. In addition, a grant in the amount of \$20,000 has been applied for with The Pigeon River Fund. Earlier today a letter was received stating that the City has received a grant in the amount of \$10,000.

Staff recommends that City Council appropriate funds, in the amount of \$18,790, and direct the City Manager to enter into contract with the TPL to negotiate and secure right-of-way for the Broadway greenway.

Vice-Mayor Field felt that the TPL will work on creative ways to keep the costs down for the City, i.e., tax credits for the property owners, etc.

Upon inquiry of Mayor Martin, Mr. Bob Wurst, Audit/Budget Director, explained that the City has \$100,000 set aside for the purpose of right-of-way on Broadway. City Manager Westbrook said that since we will be phasing in the greenways, if Council wishes, he will plan to put an amount into the budget each year for the construction and purchase of greenways.

Upon inquiry of Mr. Johnny Lloyd, Vice-Mayor Field said that the City has a separate sidewalk fund that is used to construction sidewalks.

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Upon inquiry of Councilman Skalski about NC DOT participation, Ms. McLoughlin said that she has had several conversations with NC DOT asking them to provide pedestrian facilities on Broadway as they widen it. They will be constructing a sidewalk on the eastern side from W. T. Weaver Boulevard to Chestnut Street. She did note that NC DOT has worked with the City in trying to acquire some parcels on Broadway.

Councilman Worley wanted to make sure that the City will be billed for the actual costs, not a flat amount of \$58,790.

Councilman Cloninger suggested a representative from TPL attend Council's next meeting.

Ms. Leni Sitnick suggested weaving into the negotiations the possibility of the property owners donating the easements as a happy birthday present to the City, since 1997 will be Asheville's 200th birthday. She suggested a plaque with those property owners names on it might be nice at the greenway site.

Upon inquiry of Mr. H.K. Edgerton if minority businesses were contacted concerning this proposal, Ms. McLoughlin said that there are only three companies nationwide that do this sort of work and she made contact only with those three.

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

CITY ATTORNEY

Mayor Martin introduced the new City Attorney - Mr. Robert W. Oast Jr.

REPORT FROM TASK FORCE ON THE FUTURE OF THE CIVIC CENTER

Councilman Hay, Chairman of the Task Force on the future of the Civic Center, first introduced the Task Force members. He then reported that the Asheville Civic Center opened in 1974 and since that time has been the center for many of the entertainment, community, and convention events for the region. The bonds which financed the original construction have been satisfied, and for the first time in its history the Civic Center is operating without a subsidy from the City. The facility is as heavily used now as it has ever been, and in many ways the Civic Center has never been as productive.

City Council recognized this year that substantial capital improvements are due for the Civic Center, and that the traditional uses may well be changed by the construction of newer, larger, and more modern facilities in nearby cities such as Greenville, Hickory, Cullowee, and Charlotte. Council created a special City Council Task Force to study the issues and make recommendations on the future of the Civic Center and the means of financing any changes. The Task Force consists of Councilmen Edward Hay, Charles Worley, and Tommy Sellers; as well as Jan Davis, former Chair of the Civic Center Commission; Barbara Halton, former member of the Civic Center Commission; and Stephen Toomey, present Chair of the Civic Center Commission. At the invitation of the Task Force, Randy Fluharty, Chair of the Tourism Development Authority, has attended Task Force meetings.

The Task Force was directed to make a preliminary report in November, 1996, and final recommendations in March, 1997. The Task Force has met weekly since its creation in August, 1996.

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It was decided early that before any progress could be made, the Task Force needed to canvas the community for direction, and created a series of three "round-table" meetings designed to encourage interest groups to express their opinions. In addition to the meetings, the Task Force developed a written survey and made presentations to key groups. After having heard from all concerned, the Task Force developed the Findings and Recommendations which follow.

FINDINGS

1. The community sees a need for multi-purpose facilities providing space suitable for arena events, performing arts and convention and meeting amenities.
2. Major improvements are necessary at the present Civic Center.
 - a. Parking and access from the interstate are actual and perceived impediments to full use of the existing facility.
 - b. The present location is satisfactory and, for many people, if the parking and access problems can be addressed.
 - c. Access for presenters is a real impediment to full utilization of the existing facility.
 - d. The Thomas Wolfe Auditorium needs significant upgrading, especially in the stage area and the acoustics of the auditorium.

e. The present scale is sufficient to meet current civic and community needs, although traditional events, such as the circus and trade shows, may no longer use the facility.

3. Due to limitations in the existing facility, we are losing or stand to lose events which would be of economic benefit to the community and which help pay for the operation of the Civic Center.

a. Lack of amenities, such as an adjacent hotel, meeting space and adequate exhibit space, deters larger conventions which would otherwise select Asheville.

b. Touring performance acts will not stop here as they have done in the past in favor of more modern facilities in the region.

c. Traditional presenters such as the circus and trade shows now find the facility too small to meet their needs.

d. Sporting events, such as professional basketball and ice hockey, are not attracted to the current facility.

e. There is interest in the community in expanding the planning for such a facility to include the Tourism Development Authority and Buncombe County.

f. A professional market study will demonstrate the feasibility of multi-purpose facilities to meet economic opportunities, as well as addressing the current Civic Center's role in the long-term plan for the City.

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Recommendations

1. Direct the Task Force to proceed with exploration of the desirability of multi-purpose facilities providing space suitable for arena events, performing arts and convention and meeting facilities by:

a. Performing a market analysis to determine the market for multi-purpose facilities and the economic opportunities

currently being lost and which might be available with a modern facility.

b. Focusing on the feasibility of maintaining the facilities in the current location including land availability and architectural and engineering feasibility of modernizing and enlarging the existing facility.

c. Determining the economic benefits to the City and region, both direct and indirect, to be derived from expanded multi-purpose facilities.

d. Exploring the possibilities of public-private partnerships in connection with possible hotel, parking and other amenities as part of multi-purpose facilities.

e. Determining possible methods of providing financing for multi-purpose facilities.

2. Expand the Task Force membership to include representatives from Buncombe County and the Tourism Development Authority.

3. Address the parking and accessibility problems associated with the current location of the Civic Center as a part of determining the feasibility of

maintaining the facilities in the current location.

Councilman Hay said that if Council accepts the Task Force's recommendations, they will come back to the Council with the specifics on money relative to performing the market analysis.

Mayor Martin, on behalf of the Council, stated that the Task Force has done an excellent job to date.

Mayor Martin 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.

EXTENSION OF LEASE AGREEMENT FOR SHILOH COMMUNITY CENTER PROPERTY

Mr. Irby Brinson, Director of Parks & Recreation, said that the City of Asheville and the Buncombe County Board of Education entered into a lease agreement on December 1, 1976, which allowed the City to maintain and operate a recreation center located in the Shiloh community. This lease agreement expires December 2, 1996. Both parties wish to extend this lease agreement for two to three additional months in order for negotiations to continue which COULD result in a renewal of the lease agreement or possibly complete ownership of the property by the City of Asheville. This length of time is necessary in order to negotiate several options with the Buncombe County Board of Education.

The Parks and Recreation Department requests approval of an extension of the lease agreement with Buncombe County Board of Education for use of Shiloh property for recreation purposes.

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Mayor Martin 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.

CHARLOTTE STREET SMALL AREA PLAN

Mr. Mike Matteson, Urban Planner, said that Planning and Development Department is formally requesting the AIA North Carolina Urban Design Assistance Program's assistance with the Charlotte Street Small Area Plan.

On April 2, 1996, City Council approved a process proposed by staff for the preparation of a small area plan for the Charlotte Street corridor. Additionally, Council established the makeup of a committee which was to be created to advise staff throughout the planning process. This advisory committee was in place by early May and the first committee meeting was held on May 30. The committee has met on five occasions and has identified the major issues (areas of concern and positive attributes) that it feels are important as they relate to Charlotte Street.

In June, the committee agreed to bring in Ron Morgan, a Charlotte based architect/urban designer, to give two presentations to the committee. The committee raised the \$300 necessary for Mr. Morgan's visit and arranged for his lodging as well as the meeting space. Mr. Morgan gave these presentations with the hope of being hired to assist with the small area plan. Following his presentations, the committee did not feel that Mr. Morgan was the right person to help with the plan. They did, however, feel that some form of outside assistance would be beneficial to the planning process.

The committee has subsequently worked with staff on exploring various options

for assistance, including planning consultants and local facilitators. The committee recently indicated their interest in bringing in an AIA North Carolina Urban Design Assistance Team (if feasible) to provide input and assistance. The committee (through the assistance of the residential and business community adjacent to and surrounding the street) has agreed to take responsibility for the extensive organizational tasks and some of the expenses associated with hosting the team. The committee is requesting \$1,000 of City funds to cover the initial expense associated with bringing in the program's director for an evaluation visit.

This expense can be covered within the Planning and Development Department's budget and would not require an additional appropriation. The committee may request additional City funds at a later date. At this time, the total cost of bringing in the Urban Design Assistance Team is not known.

He then described the AIA North Carolina Urban Design Assistance Program by saying that the AIA North Carolina Urban Design Assistance Program is housed within North Carolina State University's School of Design. Its purpose is to "provide assistance to the communities of this state in the planning, design and management of the physical environment... and to identify methods of resolving problems of anticipated future growth and change".

Once the program's director receives a letter requesting assistance, he schedules a visit to the site to assess the feasibility of sending a team to work on the project.

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At this point, the director will provide an estimate of the total costs associated with hosting a team. Staff has estimated that these costs would be between \$7,000 and \$12,000. The program's board must give final approval to send a team. The program receives more requests for assistance than they can provide.

When a community is selected for assistance, a team of professionals from the state are assembled. The team would be chosen to match the problem to be studied and would consist of planners, architects, landscape architects, engineers, etc. This cross section of experience would greatly enhance the ability to accomplish the goals of the Charlotte Street Small Area Plan and provide resources that city staff would not be able to provide.

Following a preparatory period, an intensive workshop is held by the team members and assisted by local citizens. This workshop usually runs for four days and culminates in a printed set of drawings and written recommendations. The workshop is open to the public and broad citizen participation is solicited.

Mr. Peter Batchelor, director of the program, has indicated that if assistance is requested, his site visit would likely occur in January, 1997, and the board would decide shortly thereafter whether a team would be sent.

If selected, a workshop would be held in the summer of 1997.

The Planning and Development staff will coordinate the efforts of the committee to organize the event and will work closely with the design team prior to and during the workshop. Recommendations from the workshop, which will be included in a final report, will be part of the information that staff will use in preparing the small area plan. The plan will be completed within approximately two months of the end of the workshop and presented to Council for approval and adoption as an amendment to the 2010 plan.

The Planning and Development staff recommends that Council approve a motion directing staff to request the assistance of the AIA North Carolina Urban Design Assistance program for the Charlotte Street planning process.

Mr. Charlton Bradsher, Chairman of the Committee, reiterated comments made by Mr. Matteson and felt that the AIA assistance would be a very beneficial tool to provide a needed focus for the Committee. He said that there is a strong commitment from the Committee to raise as much money as possible to bring the group to Asheville. The Committee feels that this Team will bring fresh ideas for the future development of Charlotte Street.

Councilman Sellers, liaison to the Committee, said that the City should not appropriate the \$1,000 unless they have set aside the additional \$7,000 if Asheville is selected for AIA assistance. He wondered if Council would be setting a precedence for other neighborhood groups to come in and request assistance with their small area plans, even though our present City staff has that capability. He noted that Haywood Road is also struggling with a plan.

Ms. Jane Mathews, liaison to the Committee from the Planning & Zoning Commission, said that a lot of the costs are not cash costs, but can be met with in-kind contributions. She said that visual information

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is very important for this Committee and noted that there is productive work that the Committee can be working on prior to the workshop being held.

Upon inquiry of Mayor Martin, City Manager Westbrook said that the best policy may be to ask the community to pay for what is above and beyond the City can provide. He also felt that before signing any

contract, the City should have the funds in hand - whether they be from the community or City funds.

Councilman Skalski strongly supporting bringing the AIA Team to Asheville because Charlotte Street needs good planning.

Upon inquiry of Vice-Mayor Field, Ms. Julia Cogburn, Planning & Development Director, said that the Committee is merely an advisory committee to Planning staff and the outcome from the workshop will go to City staff for inclusion in the Plan and final adoption by City Council.

Councilman Hay said that we do want to encourage working with the community and wondered if Council should table this matter for two weeks to see if some examples of what kind of things the community is willing to do to help defray the cost of bringing the Team to Asheville, i.e., housing.

Ms. Cogburn responded to Councilman Cloninger's inquiry if any City staff had experience with this type of workshop.

When Councilman Cloninger asked if the City has exhausted all of its in-house resources to move the Committee forward, Ms. Cogburn did not think so. She said that the Committee has explored several different avenues, however, it feels that it needs facilitation and visual assistance at this point.

Councilman Sellers said that if the Committee continues to meet on Wednesdays, he would not be able to attend. He said that since he has missed the last two meetings, which were held on Wednesdays, that the minutes of those meetings be sent to him.

It was the consensus of Council to postpone taking action on this request until the worksession on December 3, 1996, in order to give staff time to research Council's concerns and come up with possible solutions.

BILTMORE VILLAGE STREET LIGHTS

Ms. Maggie O'Connor, Historic Resources Commission Director, said that this resolution will authorize the City Manager to sign an agreement with the Biltmore Village Historic Museum Commission, Inc. for the purchase, installation and maintenance of 42 cast iron light fixtures for the Biltmore Village project in an amount not to exceed \$70,000.

For the past five years, various parties including the City of Asheville and the property owners in the Biltmore Village Historic District have worked together to develop and implement a three phase public improvement plan within the Biltmore Village Historic District. Phase I of the plan is nearing completion. In order to complete Phase I, 42 cast iron light fixtures must be purchased and installed. There must also be some clear understanding of what entity will be responsible for maintenance as well as payment of electrical bills. The Biltmore Merchants' Association requested and received a commitment of intent from the City to share in the cost of completing Phase I of the project.

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The commitment of intent is outlined in Resolution No. 95-135. Since adoption of Resolution No. 95-135, additional research and preparatory work has been done revealing that less cast iron light fixtures are needed at a cheaper rate than originally estimated. Additionally, it has been discovered that although the underground conduit for the light fixtures has been installed, the electrical wiring has not been installed.

Biltmore Village Historic District has requested that the remaining balance of funds after the purchase of the street light fixtures be utilized toward the cost of constructing the electrical system. It is estimated that the cost of the street lights will be \$92,400 with the City sharing in one-half of this cost. Therefore, the balance of funds is estimated as \$23,800 that may be used toward constructing the electrical system, which is estimated at \$29,470.

The \$70,000 to be awarded by the City may not be utilized by the Museum for any other purpose than the purchase of the cast iron light figures for Phase I and construction of the electrical system for the light fixtures. Provided, however, any residual funds remaining may be used for the purchase of one-half of the cost of light fixtures in Phase II.

The Biltmore Village property owners desire that the City enter into a contract specifically outlining the responsibilities and rights of each party relating to the funds to be provided by the City. Since the Biltmore Village property owners nor the Biltmore Village Merchants Association are legal entities capable of entering into a contract with a municipality, the Biltmore Village Historic Museum, Inc., a property owner in the project, desires and has been requested by the property owners in Biltmore Village to enter into the contract with the City.

Staff recommends adoption of the resolution.

Mayor Martin 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.

Council Chamber Renovations

Mr. Lyle Willis, Contract Administrator, said that the Parks and Recreation Department requests input from City Council on needed renovations to the Council Chamber of the City Hall building, and requests approval to solicit Requests for Proposal to obtain an architectural design firm to provide design services for these improvements.

Based on previous comments from City Council members regarding the poor audio-visual capabilities available in the Council Chamber, staff has determined that it is necessary to upgrade the level of media and data-processing services for City Council meetings, and that in order to make these upgrades, the services of an architectural design firm would be needed.

This design firm will need to work closely with the City's Historic Resources Commission to maintain the integrity of the historic features of the Council Chamber while designing and incorporating improvements to the Chamber that will include data terminals, a public address system, video cameras, overhead projection screens, security monitoring devices, and improved exit routes.

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Because of the historic nature of the Council Chamber, staff feels that an architectural design firm would be best suited to assist in the renovations, by providing budgetary guidance regarding construction costs and being a liaison to the Historic Resources Commission.

The Parks and Recreation Department requests City Council approval to solicit Requests for Proposal from architectural design firms to design and review renovations in the City Council Chamber.

Vice-Mayor Field said that Request for Proposals should not be limited to "architectural" design firms and recommended deleting the work "architectural".

Councilman Worley fully supported the idea of modernizing the Chamber and hoped that we will be able to televise the City Council meetings.

Ms. Maggie O'Connor, Historic Resources Director, answered questions from Council about when the First Floor Conference Room would be ready for use by City Council for their worksessions.

Mayor Martin 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.

INSTITUTE OF GOVERNMENT REPRESENTATIVES

Vice-Mayor Field introduced Mr. Mike Smith and Mr. John Stevens from the Institute of Government, who will be meeting with her shortly to share innovative ways to deal with the community and the citizen participation process.

UDO SCHEDULE AND PUBLICITY PLAN

Ms. Julia Cogburn, Planning & Development Director, said that a proposed schedule for the review and adoption of the Unified Development Ordinance and the estimated costs for the required public notification is provided for Council's review and discussion.

The schedule proposes an adoption date of early March for the UDO text and of

late April for the maps (zoning). The text would become effective upon adoption of the maps. Included in the schedule are dates for review and approval of the UDO text by the Planning and Zoning Commission, public meetings to review the staff mapping (zoning) proposals, and joint City Council/Planning and Zoning Commission public hearings. The dates proposed in the schedule are dictated in part by notice requirements established by state statutes. The schedule proposes three public hearings to receive comments on the text and two (2) public hearings to receive comments on the mapping (zoning). Public hearings to review the mapping (zoning) are proposed to be held jointly by City Council and the Planning and Zoning Commission. The mapping public hearings would be in addition to the five mapping public meetings to be held in mid to late January. The proposed schedule establishes a rigorous schedule for Council during the last week of February and the last week in March, with two public hearings each of these weeks in addition to Council's regular meetings. Direction is requested as to whether this schedule is too rigorous.

An extensive advertising campaign is proposed to provide citizens with adequate notice of the public meetings and hearings which will be held to inform the public of the content of the UDO. A certain amount of notification for zoning text and map amendments is required by North

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Carolina General Statutes. State statutes require more extensive notification for the mapping changes than for the text changes. A standard legal notice fulfills the requirement for notification and advertisement for the public hearings on the UDO text. For the mapping public hearings, the legal notice must be run in the newspaper four times and must provide detail of the proposed changes. It is proposed that a two page advertisement be run four times in the Asheville Citizen-Times. The ad would include a small copy of the proposed zoning map of the entire city, with a larger map detailing the proposed zoning changes in one quadrant of the city. A different quadrant would be shown in each of the four notices. A brief description of the changes and details of the meeting time(s) and location would be included in the ad. In addition, state statutes require that all property owners who live outside the general circulation area of the newspaper receive first class mail notice of the public hearing(s) at which map changes will be discussed. First class mail notice of all property owners who live outside Buncombe County is proposed.

Additional publicity efforts are also proposed to inform citizens of the UDO. These efforts include placing notices of the public hearings and public meetings in the recycling containers ("curbies") which will be distributed to all households in the city in late December, 1996. Also proposed are an advertising campaign with special ads in the Citizen-Times, public information announcements on local radio stations, and infomercials on the local cable television station.

Cost estimates for the notification and publicity efforts are estimated at \$47,355.96. The required notification is estimated to cost \$35,612.96. Funds in the amount of approximately \$35,000 were included in the departmental operating budget for the Planning and Development Department for UDO notification. Therefore, additional funds in the amount of \$11,743.96 will be required if Council chooses to include the additional publicity costs. Council direction is requested with respect to the level of publicity which should be undertaken to inform the public of the UDO.

The proposed UDO Review and adoption schedule has been reviewed and approved by the Legal Department, the Planning and Development Department, and Councilmember Charles Worley. Direction is requested from Council on the

schedule and on the proposed notification efforts. The notification and publicity cost estimates were prepared by Robin Westbrook based upon information provided by various media.

Mayor Martin 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.

STORMWATER CONCERNS - PINNACLE AT PARK AVENUE

Upon inquiry of Councilman Skalski about the progress to date on the Ralph Kiger development, Mr. Gerald Green, Senior Planner, said that they will have to go back through the group development process. He said that he is meeting with Mr. Kiger and his attorney tomorrow to go over the specifics of the requirements of the plan, the application of the hillside development ordinance, and other City ordinances as well.

CLOSED SESSION

At 7:41 p.m., pursuant to Rule 25 of the Asheville City Council's Rules of Procedure, Councilman Sellers moved to go into closed session for the following reasons: (1) to discuss matters relating to the location or expansion of an industry or other business in the area

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served by the City Council, as authorized by G.S. 143-318.11 (a) (4); and (2) to consult with an attorney employed or retained by the City Council in order to preserve the attorney-client privilege between the attorney and City Council, as authorized by G.S. 143-318.11 (a) (6). This motion was seconded by Councilman Skalski and carried unanimously.

At 8:30 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Skalski and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 8:17 p.m.

CITY CLERK MAYOR
