

Tuesday - February 18, 1997 - 3:00 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 (arrived at 3:35 p.m.); and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

Mayor Martin recognized students from Western Carolina University in the Masters of Public Administration Program.

CONSENT:

Advertise Sale of Disposal Parcels 6B & 6C

Summary: The consideration of adopting a resolution authorizing advertisement for upset bids in response to a bid received from Neighborhood Housing Services of Asheville Inc. (NHS) for Disposal Parcels 6B and 6C.

A bid has been received from Neighborhood Housing Services of Asheville, Inc. (NHS) in the amount of \$248,900 for the purchase of Disposal Parcels 6B and 6C in the Head of Montford Redevelopment Project.

Disposal Parcels 6B & 6C are CG (Commercial General) zoned parcels located on Montford Avenue about 200 feet North of the Billy Graham Freeway comprising 1.2 acres. The combined Fair Reuse Value for both parcels is \$248,900. The proposed land use for the property in the Head of Montford Redevelopment Plan is for neighborhood commercial.

Meals on Wheels of Asheville and Buncombe County, Inc. has requested that the City Council direct the City Attorney to request an Attorney General's opinion pursuant to N. C. Gen. Stat. 160A-279 in order to determine whether Disposal Parcels 6B and 6C may be conveyed thereby at no cost or at a reduced cost as a site for Meals on Wheels headquarters.

NHS has submitted a bid to purchase Disposal Parcels 6B and 6C in the amount of \$248,900. The proposal includes a plan to build: three two-story mixed use buildings on Montford Avenue for neighborhood retail, office and residential space along with four residential structures on Short Street at an anticipated development cost of \$1,540,000.00.

The Montford Neighborhood Advisory Committee has endorsed the NHS proposal.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in G.S. 160A-269.

Community Development staff recommends denial of the request from Meals on Wheels and adoption of the resolution authorizing advertisement for upset bids.

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Establish Fair Reuse Value for Disposal Parcels 10.2, 10.2 & 10.3 in the East End/Valley Street Project

Summary: Certain Disposal Parcels in East End/Valley Street have been

appraised, the appraisals reviewed and it is necessary to establish the Fair Reuse Value in order to market the property.

Disposal Parcel 10 is located at the intersection of Martin Luther King, Jr. Drive with Edge Hill and Carroll Avenues in East End and due to its size it has been subdivided into three single family home sites to be sold under the Dollar (\$1.00) Lot Program. The sites identified as Disposal Parcels 10.1, 10.2 and 10.3 comprise approximately 10,498, 10,498 and 16,727 square feet respectively and are zoned for residential development.

Each Disposal Parcel was appraised by David Moore, MAI, SRA. The appraisals were reviewed by Francis J. Naeger, MAI, who concurred and recommended the appraised values as the Fair Reuse Values.

Approval of the resolution will establish the Fair Reuse Value for each of the Disposal Parcels.

Community Development staff recommends adoption of the resolution.

Fourth Modified Airport Grant Agreement

Summary: Consideration of a Fourth Modified Grant Agreement with the N.C. Dept. of Transportation for matching funds for the (now completed) Asheville Airport Terminal Expansion.

The City is required by law to execute certain contracts and agreements for the Airport Authority. This Fourth Modified Grant Agreement is to allow the Authority to receive additional matching funds from the Dept. of Transportation ("DOT") for the Phase III Terminal Expansion.

Airport Director Jim Parker advises that the Terminal Expansion project was financed almost entirely with bond money, and that it was completed several years ago. The estimated cost of the project was \$3.36 million and DOT's projected commitment under the State Aid to Airports program is approximately half of the estimate. Because of budgetary limitations, this entire amount was not available when the project was completed, and DOT has been making "installment" allocations of \$300,000 or \$200,000 on a yearly basis, as funds become available. In order for these allocations to continue, the Grant Agreement must be extended for another year, even though the project has been completed.

The \$200,000 allocation for this year will still not complete the DOT's program commitment, and Mr. Parker advises that the Grant Agreement will have to be extended at least one more year, depending on the availability of funds from DOT.

Adoption of the attached resolution is recommended.

Trust for Public Land Application for Continued Greenway Planning

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Summary: The Trust for Public Land would like to submit a proposal to area foundations for further greenway funding.

The Trust for Public Land is a non-profit land conservation organization. They work nationwide to protect land as parks, gardens, recreation areas, and wilderness. Their goal is to ensure livable communities for generations to come. Currently, they are working in Asheville to secure the right of way for a future Broadway greenway. They would like to apply for more funding from local

foundations to further their work in Asheville. This work would include finishing the Broadway Greenway, developing land strategies for the Haw Creek Greenway, and developing a master greenways plan for our area. This is a possible opportunity for the City to have their professional services at no cost to the City.

No action is necessary. This is for Council information only.

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.

CONTINUATION OF PUBLIC HEARING RELATIVE TO DEMOLITION OF 112 BROOKLYN ROAD

Ms. Natalie Berry, Housing Inspector, said that this is a continuance of a public hearing relative to the demolition of 112 Brooklyn Road.

112 Brooklyn Road was a dilapidated residence which the owner (Ransom Rutherford) has taken out appropriate permits and done substantial work to rehabilitate the structure. The structure is no longer a threat to the community.

112 Brooklyn Road was brought to Council on June 25, 1996, with a recommendation for demolition. Mr. Rutherford asked that Council give him time for contract bids to come in on the structure, for which Council granted 60 days continuance. On August 27, 1996, a progress report was provided to Council and 6 months continuance was given to the owner for construction improvements.

As documented by the construction work completed, 112 Brooklyn Road is almost finished and is now an asset to the community. In addition, 110 Brooklyn Road was bought and remodeled and 118 Brooklyn Road is a new home that was constructed since Mr. Rutherford began rehabilitation of his home. Mr. Rutherford's efforts have made a significant positive impact upon the neighborhood.

The Building Safety Director recommends the deletion of 112 Brooklyn Road from the City's list of properties posing a threat to the community.

At the request of Mayor Martin, City Attorney Oast said that he would prepare the proper paperwork for Council action at their next meeting to delete 112 Brooklyn Road from the City's list of properties posing a threat to the community.

FESTIVALS UPDATE

Mr. Butch Kisiah, Superintendent of Recreation, said that the Parks and Recreation Department is requesting City Council approval of the 1997 festival and special events schedule.

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In March of 1995, the Asheville City Council adopted a festivals policy. A segment of that policy requires that City Council approve the list of festivals on an annual basis. Therefore the Parks and Recreation Department is recommending the approval of the following festivals and special events:

<u>Event</u>	<u>Date</u>
St. Patrick' Day	March 14,15,16

Oakley Community Day	April 19
Walk America	April 26
Very Special Arts Festival	May 2
Tell it in the mountains	May 3,4,5
Riverlink "A Day At The Races"	June 8
Honda Hoot	June 17,18,19,20,21
Riverlink Bridge Party and Parades	June 28
Riverlink Triathlon	June 28
Fourth of July Celebration	July 4
Shindig on the Green	July 5, 12, 19 & August 2,16,23,30
Riverlink Nature and Environmental Art and Craft Show	July 19,20
Bele Chere	July 25,26,27
Mountain Dance and Folk Festival	August 1,2,3
Goombay Festival	August 29,30,31
Pops in the Park	August 31
Childrens' Fun Fest	September 13
Greek Festival	October 3,4,5
Shiloh Fall Festival	October 11
Riverlink French Broad Park Birthday Party and Volunteer Recognition	October 12
West Fest	October 25
Halloween Fun Fair	October 31
Light up your holidays	November 29
First Night	December 31
Bicentennial Celebration	Year long
City Development co-sponsored festivals and events	
Moonlight Over Downtown,., Pack Square	May 30, 6 p.m
Honda Hoot Street Party,	June 18
Downtown After Five: (sponsored by Honda Hoot), Pack Square,	June 20, 6 p.m.
Downtown After Five: location TBA	July 11, 6 p.m.
Downtown After Five: location TBA	Aug. 15, 6 p.m
Downtown After Five:.location TBA	Sept. 12, 6 p.m

The Parks and Recreation Department recommends approval of the above listed festivals for 1997.

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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.

COUNCIL CHAMBER RENOVATIONS

Mr. Irby Brinson, Director of Parks & Recreation, said the Parks and Recreation Department is seeking authorization from City Council to enter into contract with the audio-visual design firm Electronic Interiors Inc., for design services to renovate the Council Chamber in City Hall.

The current layout and equipment utilized in the Council Chamber results in poor audio-visual capabilities. Therefore, 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 a design firm would be needed.

At the recommendation of City Council, an RFP Committee was formed to solicit and review proposals covering the following three areas:

1. Develop methods and procedures for inspection of existing components while preserving the historic fabric of the structure. Prior to construction, develop plans and written bid specifications for necessary improvements to the Council Chamber, incorporating improvements that will include data terminals, a public address system, video cameras, cable television, overhead projection screens, security monitoring devices, and improved exit routes.
2. The City Hall Building is a designated local historic landmark. The design firm should be sensitive to this in responding to the needs and wishes of the City Council and the direction of the City Manager or his designated representative.
3. Make site inspections, consult with Historic Resources Commission, and obtain a Certificate of Appropriateness for the proposed improvements.

The Committee solicited proposals from approximately 65 firms, including 15 certified minority businesses in the design field that they are registered with the City. Proposal solicitation letters were also sent to the Asheville Business Development Center, the City/County Minority Affairs Office and other similar business resource organizations. Four bid proposals were received, one of which was from a certified minority business. The four bidders are listed below:

Comtec Inc. (Asheville, North Carolina)

Electronic Interiors Inc. (St. Paul, Minnesota)

Mathews & Glazer Architects, P.A. (Asheville, North Carolina)

Camille-Alberice Architects P.A. (Asheville, North Carolina)

After hearing presentations from each of the qualified firms and taking all information into consideration, the Committee recommended that Electronic Interiors Inc. be selected as the prime contractor for the project, with the stipulation that they hire a local architectural firm, if needed. The Committee reviewed this firm's experience with and sensitivity to historic sites and found that Electric Interiors has a proven track record of installation of state-of-the-art audio-visual equipment in historic spaces without destroying their historic fabric.

Staff recommends that the City Manager be authorized to enter into a contract with Electronic Interiors Inc. for design services to renovate the Council

Chamber in City Hall. -6-

Upon inquiry of Councilman Cloninger, Mr. Brinson explained that the Committee did not feel that the local companies had the level of experience that Electronic Interiors Inc. had with regard to a project of this nature.

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.

RESOLUTION NO. 97-18 RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PUBLIC INTEREST PROJECTS INC. FOR THE LOCATION OF A PEDESTRIAN BRIDGE CONNECTING PROPERTY OWNED BY PUBLIC INTEREST PROJECTS INC. WITH THE RANKIN AVENUE PARKING GARAGE

City Attorney Oast said that this resolution would authorize the City Manager to execute an agreement with Public Interest Projects, Inc. for the location of a pedestrian bridge connecting property owned by Public Interest Projects Inc. with the Rankin Avenue Parking Garage.

By Resolution No. 93-157 adopted on October 23, 1993, the City Manager was authorized previously to execute an agreement with Cambridge Interests Inc. providing for a pedestrian bridge connecting property owned by Cambridge Interests Inc. with the Rankin Avenue Parking Garage. The proposed bridge was to connect the parking garage with the property formerly occupied by J. C. Penney's department store.

The plans for the development of the project were revised subsequently so as to require that the pedestrian bridge also connect with that building known as the "Infill Building" located between the former J. C. Penney's department store and the former Bon Marche department store building. Due to those revisions and a request from the property developer, the City Council adopted Resolution No. 94-121 on June 21, 1994, which authorized the City Manager to execute a new agreement with Cambridge Interests Inc. providing for the construction of a pedestrian bridge connecting the former J. C. Penney's building and the "Infill Building" with the Rankin Avenue Parking Garage.

Public Interest Projects Inc. now owns the property formerly occupied by the J. C. Penney's department store and Cambridge Interests Inc. is still the owner of the building designated as the "Infill Building." Further revisions in the plans for the development of the property have resulted in a request from Public Interest Projects, Inc. that the City execute a new agreement with it for the location of the pedestrian bridge which will connect only the building formerly occupied by J. C. Penney's department store with the Rankin Avenue Parking Garage. This resolution would authorize the City Manager to execute such an agreement.

The City Attorney's Office recommends approval of the resolution.

Mr. Pat Whalen asked if action could be taken formally at this meeting in order that the ordering of the bridge not be delayed longer than necessary.

At the request of Vice-Mayor Field, Councilman Worley moved to excuse Vice-Mayor Field from voting due to a conflict of interest. This motion was seconded by Councilman Cloninger and carried unanimously.

Councilman Cloninger moved to waive the rules and take formal action on this item at this time. This motion was seconded by Councilman Worley and carried unanimously.

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Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Cloninger moved for the adoption of Resolution No. 97-18. This motion was seconded by Councilman Worley and carried unanimously.

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CONSIDERATION OF PURCHASE OF SHILOH COMMUNITY CENTER PROPERTY

Mr. Irby Brinson, Director of Parks & Recreation, said that this resolution would authorize the City Manager to execute an Offer to Purchase and Contract for the purchase of property on which the Shiloh Community Center is located and would schedule a public hearing for this matter on March 11, 1997.

The Buncombe County Board of Education now owns the property on which the Shiloh Community Center is located and the City has been leasing that property since December 1, 1976. The City of Asheville desires to purchase this property for its continued use for the Shiloh Community Center. The Buncombe County Board of Education has agreed to sell the property to the City of Asheville for Two Hundred Fifty Thousand Dollars (\$250,000) and has agreed to finance the purchase price for this property over a five (5) year period, including the current fiscal year.

Mr. Brinson said that the Board of Election has asked for the first payment to be in this fiscal year; however, staff requests that the first payment be made in the next fiscal year. He said that funds are budgeted in their Capital Improvement Plan for next fiscal year.

N. C. Gen. Stat. sec. 160A-20 authorizes cities to purchase real property by installment contract which creates in the property purchased a security interest to secure payment of the purchase price to the seller. N. C. Gen. Stat. sec. 160A-20 requires that the City Council hold a public hearing prior to entering into an installment contract for the purchase of real property.

The Parks and Recreation Department and the City Attorney's Office recommend approval of this 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.

AMENDMENT TO RICE, WILLIAMS ASSOCIATES CONTRACT

Ms. Patsy Meldrum, Assistant City Attorney, said that this resolution would authorize the City Manager to execute an amendment to the agreement with Rice, Williams Associates to expand the scope of services to include review of proposed franchise documents with telecommunications providers.

The City of Asheville entered into an agreement with Rice, Williams Associates, Inc. dated February 7, 1995, wherein Rice, Williams Associates is to perform certain services regarding telecommunications matters for the City of Asheville. The agreement with Rice, Williams Associates was previously amended on December 19, 1995 to expand the scope of those services. The City now desires to expand again the scope -8-

of services to be performed by Rice Williams to include review of proposed franchise documents for telecommunications providers.

The City Attorney's Office recommends approval 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.

BOARDS AND COMMISSIONS

Asheville School Board

Vice-Mayor Field reported that the City Council Boards & Commissions Committee met regarding the request of several organizations to be included as members on the City Business and Development Commission. The Commission members felt that the Commission would best be served with a representative from the Tourism Development Authority and the Minority Business Alliance. It was the consensus of Council to ask these two organization for a representative to be on the Commission and then amend the ordinance accordingly.

Vice-Mayor Field also reported that the Committee reviewed the School Board selection schedule and felt that the next round of School Board interviews should take place on Tuesday, March 18, 1997, beginning at 5:00 p.m. in the Council Chamber in the City Hall Building. She noted that discussion of new members would take place at the Pre-Council meeting on March 25, 1997, with formal action being taken at the March 25, 1997, formal meeting.

Councilman Skalski suggested that, in the future, all preliminary interview candidates should be given the opportunity to receive the written questions before the next cut is made. He felt that the short ten minute interviews are not enough time within which to accurately interview the candidate.

Council then compiled ten questions to sent to the candidates for their written responses prior to their next interview. It was decided that there be two questions on a page, thereby limiting the answers to be no more than one-half page long.

Council then narrowed the field from 14 candidates to the following nine: John Legerton, Hugh McCollum, Mary Downes, Susan Fisher, Marsha Bate, Pat McClellan, Susan Paterson, Lewis Isaac and Joe Ferikes.

Asheville-Buncombe Water Authority

Councilman Sellers nominated Norma Price to the Asheville-Buncombe Water Authority. This nomination was seconded by Mayor Martin. When Mayor Martin asked for a show of hands in favor of Norma Price, Mayor Martin and Councilman Sellers raised their hands.

Councilman Skalski nominated Nelda Holder to the Asheville-Buncombe Water Authority. This nomination was seconded by Councilman Hay. When Mayor Martin asked for a show of hands in favor of Nelda Holder, Vice-Mayor Field and Councilmen Hay and Skalski raised their hands.

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Councilman Worley nominated J. Lewis Daniels to the Asheville-Buncombe Water Authority. This nomination was seconded by Councilman Sellers. When Mayor

Martin asked for a show of hands in favor of J. Lewis Daniels, Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley raised their hands.

It was the consensus of Council that this appointment would be to serve the unexpired term of Mr. Harold Enloe, term to expire September 30, 1997, and also a full three year term, term to expire September 30, 2000.

Asheville Area Civic Center Commission

Councilman Hay nominated Douglas Haldane to the Civic Center Commission to serve the unexpired term of Mr. Hayes Martin, term to expire June 30, 1997, and also a full three year term, term to expire June 30, 2000. This nomination was seconded by Councilman Worley. When Mayor Martin asked for a show of hands in favor of Douglas Haldane, all Council raised their hands.

Vice-Mayor Field nominated R. Carl Mumpower to the Civic Center Commission to fill out the unexpired term of Mr. Tom Bailey, term to expire June 30, 1998. This nomination was seconded by Councilman Sellers. When Mayor Martin asked for a show of hands in favor of Douglas Haldane, all Council raised their hands.

OTHER ITEMS:

Ms. Leni Sitnick suggested some improvements to the newly renovated First Floor Conference Room. City Manager Westbrook explained the two different phases for the renovation work.

Councilmen Cloninger and Worley stated that City Council has every intention on adopting the Unified Development Ordinance on schedule, which is May 27, 1997.

CLOSED SESSION:

At 4:07 p.m., Councilman Worley moved to go into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the Asheville City Council. G.S. 143-318.11 (a) (4) authorizes this closed session. This motion was seconded by Councilman Sellers and carried unanimously.

At 4:45 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 4:45 p.m.

CITY CLERK MAYOR
