

Tuesday - August 19, 1997 - 3:00 p.m. Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field (arrived at 3:15 p.m.); Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman James J. Skalski

CONSENT:

Rhododendron Circle Special Assessments

Summary: The consideration of finding the Rhododendron Circle Special Assessment Project complete, assessing the total costs and calling for a public hearing announcing the completion of the Preliminary Assessment Roll; and accepting Rhododendron Circle as a City Street.

The Public Works Department has assessed the total costs for the Rhododendron Circle project, completed in June 1997 and prepared a preliminary assessment roll.

The property owners residing on Rhododendron Circle (beginning at its intersection with Rhododendron Place and ending at its intersection with Old Haw Creek Road) petitioned the City of Asheville to accept Rhododendron Circle as a City System street. Improvements consisting of spot repairs and patching along, tie-ins to driveways, and total resurfacing were necessary for acceptance of the street. Property owners on Rhododendron Circle should be assessed for fifty percent (50%) of the costs as agreed to in the original petition.

In June 1997, the Rhododendron Circle project was completed. The cost of enhancements to Rhododendron Circle project is \$9,365.50 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 Rhododendron Circle Project Complete, Assessing the Total Costs and Calling for a Public Hearing Announcing the Completion of the Preliminary Assessment Roll. Staff further recommends acceptance of Rhododendron Circle as a City Street.

Set Public Hearing to Close Old Haywood Road

Summary: The consideration of a resolution setting a public hearing to consider closing a portion of Old Haywood Road, also known as West Haywood Street, between Park Avenue and Roberts Street.

A petition has been received from Duo Investors, Dave Steel Company, Thomas Lee Finger, and Trio Investors requesting that Old Haywood Road, also know as West Haywood Street, between Park Avenue and Roberts Street be permanently closed to public use.

The petition received includes the affidavits of Thomas Lee Finger, A. Jerome

Dave (Dave Steel Company), Sherry F. Rice (Duo -2-

Investors), Michael Boyd Rice (Trio Investors). Duo and Trio Investors owns all of the property with frontage on this portion of Old Haywood Road that has been petitioned to be closed.

The permanent closing of the East Haywood Street was approved by City Council in 1987. The remaining portion of the street shown as Old Haywood Road, also known as West Haywood Street, was not closed at this time and has remained vacant.

The Public Works Department staff recommends setting a public hearing to consider permanently closing a portion of Old Haywood Road, also known as West Haywood Street, between Park Avenue and Roberts Street.

Report for Disposal of City-Owned Personal Property

Summary: Consideration of a resolution accepting a report on the sale of City-owned property for the Parks & Recreation Department, the Water Resources Department and the Fleet Management Division.

Resolution No. 85-99 adopted by City Council on June 25, 1985, established procedures for disposing of personal property valued at less than \$500. Pursuant to these procedures, the resolution identifies property disposals for the Parks & Recreation Department, the Water Resources Department and the Fleet Management Division during the period of January 1, 1997 through June 30, 1997.

Revenues from these sales totals \$2,420.10 and have been deposited as follows: \$279.00 in the 20 fund for the Parks & Recreation Department, \$405.60 in the 44 fund for Fleet Management Division and \$1,735.50 in the 30 fund for the Water Resources Department.

Encroachment Agreement with Norfolk Southern Railway for Pipeline Replacement Program - Phase II, Contract B, East Asheville/East Buncombe Waterline Project

Summary: The consideration of a contract with Norfolk Southern Railway to allow a pipeline under their track as a part of the Pipeline Replacement Program - Phase II, Contract B.

The Engineering Department developed construction plans for the Pipeline Replacement Program Phase II - Contract B, East Asheville/East Buncombe Water Line Project and this right of way is included to complete the construction of the water pipeline. In order to move forward with the project, a resolution needs to be adopted authorizing the City Manager to execute on behalf of the City of Asheville a contract with Norfolk Southern Railway Company, for the City of Asheville to install, maintain, and operate a six inch water pipeline in a sixteen inch casing pipe, under and across the right of way or property and any tracks of Railway, at Milepost T-8 plus 3,275 feet, wholly within the confines of Candler School Road, for the construction of the Pipeline Replacement Program Phase II -Contract B, East Asheville/East Buncombe Water Line project.

Staff recommendations that City Council adopt a resolution authorizing the City Manager to execute a contract with Norfolk Southern Railway Company for the right of way for the Pipeline Replacement Program Phase II - Contract B, East Asheville/East Buncombe Water Line Project.

Consumption of Malt Beverages and/or Unfortified Wine at 1997 Goombay Festival
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Summary: N.C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on public streets, and on property owned, occupied or controlled by the City. The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority. That ordinance, Section 11-11 in the Code of Ordinances, provides that the City Council may adopt a resolution making other provisions at special event or community festival. The 1997 Goombay! Festival Board, YMI Cultural Center and the Parks and Recreation Department recommends that possession and consumption of malt beverages and/or unfortified wine be allowed at the 1997 Goombay! Festival.

The Parks and Recreation Department recommends that City Council adopt a resolution allowing the possession and consumption of malt beverages and/or unfortified wine at the 1997 Goombay! Festival.

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.

FAST TRACKERS SINGLE-FAMILY RESIDENTIAL PLANS REVIEW PROCESS TEAM

Mr. James Cheeks, Traffic Engineer, said that the Fast-Trackers Process Management Team, comprised of City Staff from Public Works, Building Safety, Water Resources and Planning and Development Departments have completed the assignment of reviewing the Single-Family Residence Plan Review Process.

The Fast-Tracker Team has performed the necessary evaluation and analyses associated with reviewing the Single-Family Residence Plan Review Process. The Building Safety Department determined that there was a need to analyze and review this process due to complaints from customers concerning the length of time it took to receive a permit to build a single-family residence in the City of Asheville. The team reviewed data for over 18 months and targeted the effects of the lack of personnel, seasonal increases in workloads, lack of homeowner experience with plans creation, designers inability to interpret the building codes, qualifications of persons submitting plans and changes in the process.

The team reviewed this data to determine countermeasures to reduce the turnaround time for these permits. He reviewed the countermeasures which were adopted by Building Safety Department. The issue of additional personnel was addressed in the Fiscal Year 1998 Budget. Additionally, staff is focusing on eliminating unnecessary steps which will help to further reduce the turnaround times.

The team will continue to monitor these changes to try to consistently provide the 3-day turnaround. If this process begins to operate at peak efficiency, staff will try to replicate it in other areas.

Mayor Martin thanked the team for the improvements they have made to streamline the plan review process.

REQUEST OF HEALTHSOUTH SPORTS MEDICINE AND REHABILITATION FOR DESIGNATION OF AN "OFFICIAL CITY ORNAMENT"

City Manager Westbrook said that HealthSouth Sports Medicine and Rehabilitation requests City Council designate an "Official City Ornament." -4-

Mr. Lacy Dylewski of HealthSouth Sports Medicine and Rehabilitation submitted a

letter requesting that the City Council designate an "Official City Ornament" each year which will be produced and sold as a fund raising program for United Cerebral Palsy. Should Council decide to designate an "Official City Ornament," City Manger Westbrook suggested the Vance Monument in Pack Square be chosen this year.

Mr. Eric Yarrington, Physical Therapist with HealthSouth, said that the HealthSouth Holiday Ornament project is a fund raising program that has a successful ten year history beginning in 1987 in Charleston, South Carolina. He explained that the project would be a 24 karat gold on brass or silverplate, three dimensional ornament designed to depict a local landmark in the community. Produced as an annual series, it becomes a collector's item where the community looks forward to seeing the new design each year. The ornament will be contained in a burgundy velvet case with a certificate number, thereby certifying its authenticity as a collector's item. All profits will go to the United Cerebral Palsy Foundation for public awareness for the disease.

Discussion surrounded if the City could, or should, officially designate City ornaments.

City Attorney Oast said that he is looking into the question of property rights the City has in their logo and he will investigate if any policy might be appropriate on this issue.

Mr. Yarrington said that if the City was not comfortable in actually designating an ornament as the "official" city ornament, he felt an endorsement, other than the official designation, would help their purpose.

Ms. Bonnie Brannon, representative from the Lewis Rathbun Wellness Center. said that last year they received an endorsement from City Council of the City Hall ornament. This year's ornament is Pack Square. She felt the Center was the first group to start with this ornament series and to endorse other "City" ornaments would dilute the effect of their sales.

Upon request of Councilman Cloninger to actually see the ornament they are asking to be endorsed, Mr. Yarrington showed them samples of what they have done in the past and Ms. Brannon showed Council the Pack Square ornament.

Mayor Martin felt endorsing the ornaments for non-profits is a nice way the City can lend a helping hand without having to actually spend money.

Vice-Mayor Field felt that since this the City has started receiving these requests, a policy needed to be formulated. She didn't think that the public really cared if the ornament was an "official" City ornament or not. She felt if they liked it, they would buy it.

Because the City has no control if someone wants to use the image of City Hall, etc., Councilman Cloninger felt City Council could perhaps endorse the image.

Councilman Hay suggested that we endorse the group that first started with the series.

Upon inquiry of Councilman Hay, Councilman Worley said that the Vance Monument is owned by the City of Asheville. -5-

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.

EXCHANGE OF CITY-OWNED REAL PROPERTY ON KENTUCKY DRIVE FOR HOUSING AUTHORITY OWNED REAL PROPERTY ON BARTLETT STREET

Mr. Ed Vess, Field Services Coordinator, said that this is consideration of an exchange of property which has been negotiated with the Housing Authority of the City of Asheville in order to facilitate several beneficial projects.

The City has entered into a contract for the sale of 3 acres of land on Bartlett Street to the Douglas Company for the construction of 48 units of elderly housing subject to obtaining access to the public right-of-way. The Housing Authority owns the 7.4 acres of land surrounding the City's property on Bartlett Street. The City owns 4.9 acres of land on Kentucky Drive which is not currently being utilized.

The Housing Authority has agreed to exchange its land on Bartlett Street for the City's land on Kentucky Drive. Prior to transfer of the Kentucky Drive property to the Housing Authority the City would develop infrastructure for a subdivision on the site to provide homeownership opportunities to public housing residents. The estimated costs of extending the necessary infrastructure to this site is approximately \$125,000. The City's Community Development Division desires to collaborate with the Authority in the development of the site in order to expand affordable housing opportunities. They hope to be able to build affordable houses. The City's Parks and Recreation Department desires to utilize the Authority's land on Bartlett Street to develop a passive park for special populations in the Asheville community, along with additional greenway and provision of access to the City's Bartlett Street property.

The City's property on Kentucky Drive is valued by the Buncombe County Tax Office at \$49,700.00 and the Authority's property on Bartlett Street is valued at \$124,800.

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

Mr. Vess said that they have had one meeting with the neighborhood.

Upon inquiry of Councilman Sellers, Mr. Vess said that even though the City is proposing to build 17 single-family homes on that site, 40 units would be allowed under the current zoning designation.

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.

MUNICIPAL AGREEMENT WITH N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS AT THE INTERSECTION OF US 70, US 74 & HAW CREEK LANE

City Engineer Cathy Ball said that this resolution will be to authorize the City Manager to sign a municipal agreement with the N.C. Dept. of Transportation ("NC DOT") for improvements at the intersection -6-

of US 70 (Tunnel Road), US 74 (South Tunnel Road) and SR 2863 (Haw Creek Lane).

The City Council authorized the City Manger to negotiate with NC DOT outlining the City's agreement to participate in sidewalks on intersection of US 70 and US 74. The NC DOT's preliminary estimate was \$16,300 for the sidewalk. The final estimate for the construction of the sidewalks is \$16,300, with the

City's portion being 40% of estimate which is \$6,520.00. Funding for the South Tunnel Road sidewalk was included in the Fiscal 1995-1996 Sidewalk Program. Construction is scheduled to begin January 1998.

An additional 30-inch water line may need to be relocated as a result of this construction, but the design is not complete at this time. The preliminary estimate NC DOT has given on the relocation of the water line is approximately \$93,000. When the design is finalized then staff will request Council approve funds necessary to relocate the water line.

Staff recommends that City Council allow the City Manager to sign the Municipal Agreement for improvements at the intersection of US 70 (Tunnel Road), US 74 (South Tunnel Road) and SR 2863 (Haw Creek Lane).

When Vice-Mayor Field asked with the Dept. of Transportation could do if the City didn't have the money for the relocation of the water line, Assistant City Manager Doug Spell said that they could deduct the amount from Powell Bill revenues.

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 97-136 - RESOLUTION MODIFYING SCHEDULED CITY COUNCIL MEETINGS FOR SEPTEMBER, 1997

City Attorney Oast said that since the proposed schedule change shifts the formal session/work session rotation for four meetings, and could affect the timing of hearings on land use and other matters, it is recommended that the schedule change be effected by written resolution. This resolution leaves open the possibility of holding a community meeting following the second formal meeting on September 30, which is on the fifth Tuesday of the month, when Council has been having such meetings.

The City Attorney's Office recommends adoption of the resolution at the August 19 work session. Adoption of a motion to waive the rules is also recommended.

Vice-Mayor Field suggested that the meetings in September be as follows: September 2 - no meeting; September 9 - formal session at 5:00 p.m.; September 16 - worksession at 3:00 p.m.; September 23 - formal session at 5:00 p.m.; and September 30 be either a worksession and/or community meeting. With this schedule, the City Council formal sessions would not conflict with the Buncombe County Commissioner's formal sessions.

Councilman Worley moved to waive the rules and take formal action on a resolution to modify scheduled City Council meetings for September 1997 as follows: September 2 - no meeting; September 9 - formal session at 5:00 p.m.; September 16 - worksession at 3:00 p.m.; September 23 - formal session at 5:00 p.m.; and September 30 be either a worksession -7-

and/or community meeting. This motion was seconded by Vice-Mayor Field and carried unanimously.

Vice-Mayor Field moved for the adoption of Resolution No. 97-136. This motion was seconded by Councilman Sellers and carried unanimously.

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APPEALS FROM PLANNING & ZONING COMMISSION DENIALS

After a brief discussion relative to the Planning & Zoning Commission's denial regarding the "Viewsheds of Superior Quality" map, it was the consensus of City Council to instruct the City Manager to place this item on the next formal City Council agenda to authorize the Mayor to file written notice with the City Clerk's Office appealing the decision of the Planning & Zoning Commission and scheduling a public hearing for the "Viewsheds of Superior Quality" map relative to the telecommunication towers and their visibility from the Blue Ridge Parkway for September 9, 1997.

After a brief discussion relative to the Planning & Zoning Commission's denial regarding the rezoning of eight parcels on the southside of Broad Street, it was the consensus of City Council to instruct the City Manager to place this item on the next formal City Council agenda to authorize the Mayor to file written notice with the City Clerk's Office appealing the decision of the Planning & Zoning Commission and scheduling a public hearing before the City Council regarding the rezoning of eight parcels on the south side of Broad Street from RM-16 Residential Multi-Family High Density to Office for September 9, 1997.

ENGAGEMENT OF UNDERWRITER

Finance Director Bill Schaefer said that City Council has previously provided direction to staff to proceed with the following projects: Renovation of the Municipal Building and Water Maintenance Building; Repair of City Hall roof; Team with The Grove Arcade Public Market Foundation to renovate the Grove Arcade; and Team with Biltmore Farms, Inc. and others to construct a High Tech/Flex Space Building. Currently estimated approximate costs of the projects are: \$15 million Municipal and Water Maintenance Buildings; \$1.1 million City Hall Roof; \$2.25 Grove Arcade; and \$2.5 High Tech/Flex Space Building. These projects will be financed through the issue of Certificates of Participation. Additionally, current market conditions indicate that it may be cost effective to refinance a portion of the City's presently outstanding debt. Such refinancing will not only result in lower effective interest rates on the "old" debt; but, also may provide flexibility and potentially lower interest rates on the "new" financings. Combining the refinancing and "new" financings in a single offering will result in a significant reduction in the costs of issuance.

The services of a team of underwriters will be required in order to develop the most efficient and economical financing structure and to successfully market the COP issue. A Request for Proposal (RFP) process was used to select the recommended underwriting team. RFPs were sent to 17 underwriting firms (representing regional and nationwide coverage and including racial and gender minority firms). Ten written proposals were received and evaluated. Four were then selected for further evaluation through oral interviews. Based on those evaluations, staff recommends the engagement of: First Union Capital Markets Corp.; Wheat First Butcher Singer; and A.G. Edwards & Sons, Inc. (First Union Capital -8-

Markets Corp. and Wheat First Butcher Singer "teamed" to submit a joint proposal.)

Staff recommends City Council adopt the resolution which engages underwriters for the issue of Certificates of Participation.

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.

OTHER ITEMS

Planning & Zoning Commission Candidates

Vice-Mayor Field said that due to the importance of the Planning & Zoning Commission and the numerous outstanding candidates, she asked if the City Council would be interested in either sending the candidates some questions for written responses or perhaps a second interview. In addition, Councilman Skalski was not present for the oral interviews and she felt it might be better for all Council to be voting with the same level of information.

Since the majority of Council was not interested in Vice-Mayor Field's suggestion, she said that she would call the candidates individually.

City Council Mid-Year Retreat Item

City Manager Westbrook was instructed to add "Minimum Housing Code Inspections" as an item for the City Council mid-year retreat on August 22, 1997, at North Fork.

"Viewsheds of Superior Quality" Map

Mr. Mel Thomason asked that City Council delay the public hearing on adoption of "Viewsheds of Superior Quality" Map relative to telecommunication towers and their visibility from the Blue Ridge Parkway. He said that the Blue Ridge Parkway now desires to start the process over again in terms of public participation and he felt the City would be well served to allow that process to happen. Mayor Martin said that this issue will be on the Council's next formal meeting agenda for consideration.

Councilman Hay was opposed to postponing adoption. He felt it would be a good idea to adopt the map and then at such time as necessary, it could be reviewed.

Exchange of City-Owned Property on Kentucky Drive for Housing Authority-Owned Property on Bartlett Street

The property owner at 41 Kentucky spoke against the exchange of City-owned real property on Kentucky Drive for Housing Authority-owned property on Bartlett Street. He felt that it would not be in the best interest of the City to build houses on greenspace. He felt the City might be better served in looking for land on the outskirts of the City for some 17 low income homes. He said that at neighborhood meeting, the majority of residents spoke in opposition to this exchange. Some neighbors felt the development would be detrimental to property values, no more greenspace and the streets in the area were too small to handle any additional traffic.

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Rezoning of Property on Broad Street

A property owner at 91 Broad Street spoke in opposition of rezoning the eight parcels on the southside of Broad Street from RM-16 Residential Multi-Family High Density to Office.

CLOSED SESSION

At 4:28 p.m., Councilman Worley moved to go into closed session for the following reasons: (1) to consult with an attorney employed by the City in order to preserve the attorney-client privilege between the attorney and the

City - statutory authorization is G.S. 143-318.11 (a) (3); (2) to discuss matters relating to the location or expansion of industries of other businesses in the area served by the City Council - the statutory authority is G.S. sec. 143-318.11 (a) (4); and (3) to establish or to instruct the City staff concerning the position to be taken by the City in negotiating the price or other material terms of a proposed contract for the acquisition of real property by purchase, option, exchange or lease - statutory authorization is G.S. 143-318.11 (a) (5). This motion was seconded by Councilman Sellers and carried unanimously.

At 5:20 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 5:20 p.m.

CITY CLERK MAYOR
