

Wednesday - April 8, 1998 - 3:00 p.m.

Worksession

Present: Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Joint Cooperation Agreement with the Asheville Regional Housing Consortium

Summary: The consideration of a resolution authorizing the Mayor to enter into a joint cooperation agreement with the Asheville Regional Housing Consortium.

Award of Annual Audit Contract

Summary: The consideration of a resolution authorizing the Mayor to execute a contract with Crisp Hughes Evans LLP, Certified Public Accountants, for auditing services for Fiscal Year 1997-98.

Designation of the Public Service Building Sign at 89-93 Patton Avenue as a Landmark Sign

Summary: The consideration of a resolution designating the Public Service Building sign, located at 89-93 Patton Avenue be designated as a landmark sign.

Amendment of Regional Water Authority Capital Project Ordinance (35 Fund)

Summary: The consideration of a budget amendment to the Water Major Capital Project Ordinance 82-25 (35 Fund) to reflect the transfer of revenue bond related projects to the 29 Fund, to reimburse the 30 Fund for 97/98 Distribution System Improvements, to fund the Glendale Water Line (NC DOT), and to provide funding for future NC DOT projects through future "Contributions From Other Funds".

Amendment of Regional Water Authority Capital Project Ordinance (29 Fund)

Summary: The consideration of a budget amendment to provide funding for Change Order No. 2 to the Pipeline Replacement Phase II Program Contract A - South Asheville/South Buncombe Water Line Project.

Request for Release of Lien of Property on Richie Street

Summary: The consideration of a resolution to release the City's lien on dilapidated property on Richie Street.

Resolution naming the City of Asheville as a Host Town for the 1999 Special Olympics World Summer Games

Summary: The consideration of a resolution naming the City of Asheville as a Host Town for the 1999 Special Olympics World Summer Games.

Transfer of City of Asheville Easement (CTS Reservoir Site)

Summary: The consideration of the abandonment of an easement belonging to the City of Asheville for operation of a water reservoir, together with the associated underground pipes and other property, at the abandoned CTS Reservoir site.

City Attorney Oast said that there is a possibility that the City will not need to abandon the entire easement and that he would have the appropriate documentation available at the next formal meeting.

Agreement with N.C. Dept. of Transportation for Improvements to Sweeten Creek Road, Rock Hill Road and Roberts Road

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation for improvements of US 25A (Sweeten Creek Road), SR 3081 (Rock Hill Road) and SR 3079 (Roberts Road.)

Agreement with N.C. Dept. of Transportation for Improvements to US 74, Reed Circle and Cane Creek Road

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation for improvements to the US 74, SR 2775 (Reed Circle) and SR 3136 (Cane Creek Road) for the relocation and upgrade of a water line that will be in conflict with highway construction.

Agreement with N.C. Dept. of Transportation for Improvements at NC 151/Pisgah Highway from south of Fowler Mountain Road to south of US 19-23-74

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation for improvements at NC 151/Pisgah Highway from south of SR 1117 (Fowler Mountain Road) to 0.2 miles south of US 19-23-74 to relocate water lines that will be in conflict with highway construction.

Agreement with N.C. Dept. of Transportation for Improvements at US 74 from I-40 Interchange southwest to SR 2775, which includes Mine Hole Gap

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation for improvements at US 74 from I-40 Interchange southwest to SR 2775, which includes Mine Hole Gap, for the relocation and upgrade of a 6-inch and 8-inch water line that will be in conflict with highway construction.

Agreement with N.C. Dept. of Transportation for Improvements at the Intersection of US 70-74 (Tunnel Road) and Haw Creek Lane

Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation for improvements to the intersection of US 70-74 (Tunnel Road) and SR 2863 (Haw Creek Lane) for the relocation and upgrade of a water line that will be in conflict with highway construction.

Agreement with N.C. Dept. of Transportation for Improvements at I-40 at US 25A (Sweeten Creek Road)

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Summary: The consideration of a resolution to authorize the Mayor to sign a municipal agreement with the N.

C. Dept. of Transportation for improvements at I-40 at US 25A (Sweeten Creek Road) for the relocation and upgrade of water lines that will be in conflict with highway construction.

Mayor Sitnick 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.

HILLCREST APARTMENTS PEDESTRIAN WALKOVER BRIDGE

Police Chief Will Annarino said that on February 20, 1998, a pedestrian was struck and killed while attempting to cross I-240 at the Hillcrest walkover bridge and as a result concern has been raised as to the accessibility of Hillcrest with the closure of the walkover.

City Council has requested background information on the closure of the pedestrian tunnel across I-240 and what, if any, Council activity is needed in the matter. Chief Annarino passed out pictures of the bridge and then reviewed the following overview of events and supporting information in response to this request.

- On November 28, 1994, at the request of the residents of Hillcrest, the Asheville Housing Authority and City of Asheville, the Hillcrest pedestrian walkover bridge was closed by the North Carolina Department of Transportation. At the time drug buyers were using the walkover to enter Hillcrest and purchase illegal drugs.
- Residents, at the time, felt there would be no major consequence in closing the bridge as most pedestrian traffic chose not to use the main entrance but utilized breaks in the security fencing east of the bridge.
- With the closure of the walkover, walk-in street level drug transactions, on the south end of the complex, were all but eliminated. In the assessment of many the closure played a large part in helping to stem the flow of drug sales in the development.
- With the recent pedestrian fatality, as a result of an individual attempting to cross I-240 going into Hillcrest, the Asheville Housing Authority and the Asheville Police Department have met with the Residents Association of Hillcrest Apts. to revisit the bridge closing. The Residents Association agreed to survey residents of the community to determine their position on a recommendation for re-opening the walkover bridge or allowing it to remain closed. The survey was approximately 100 to 79 in re-opening the bridge.
- A pedestrian accident survey for the area in and around the Hillcrest development noted there have been two pedestrian fatalities since the bridge was closed; one was adjacent to the bridge and the other was in the area east of the bridge near the 19-23 overpass (which is the area where most of the pedestrian traffic coming out of the complex is located).

Chief Annarino also stressed that the bridge closing was only one of several issues raised by the Residents Association that helped reduce crime in the area. He said that at a recent community meeting, the residents in Hillcrest were split about keeping the bridge closed or re-opening the bridge. He said that most of the new residents wanted the bridge re-opened, whereas, the residents who have lived there longer wanted the bridge to remain closed.

Discussion surrounded if there was an alternate route for the residents of Hillcrest.

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City Transportation Planner Ron Fuller said that the N.C. Dept. of Transportation ("NC DOT") owns the bridge and the fence, however, it is not being maintained at this time. He also noted that the bridge is not ADA compatible, missing guardrails need to be replaced, the lighting needs to be improved, the fence repaired, the stormwater runoff issue addressed, and there needs to be some type of regular maintenance

schedule for trash and overgrowth. Safety, he felt, was a big issue on the bridge. He said that he would be happy to work with the NC DOT on a collaborative effort to see if grant money can be used to at least bring the bridge into ADA compliance.

Councilwoman Field felt one issue is how do we safely get the residents from the Hillcrest community to where they want to go.

Mayor Sitnick felt that we need to discover a solution for people not to be "ghettoized" and still maintain a peace of mind for those who want to maintain the security that has come from the closure. She suggested the residents might want to apply for a grant through the City's Neighborhood Grant Program.

Councilman Tomes felt that not only is there an environmental factor to consider, but the traffic factor as well.

Executive Director of the Housing Authority David Jones passed out to Council a letter he wrote to the Citizen-Times which he hoped would clear up any misconceptions regarding recent articles relating to Hillcrest. He then reviewed with Council the history of Hillcrest and how the courageous and caring people and their efforts saved the Hillcrest community. He ended by saying that the Housing Authority will totally support whatever position the residents of Hillcrest choose.

Police Sgt. Crawford reported on the recent community meeting and said that the residents would like to re-open the bridge but only on a temporary basis. The primary concern of the group who wanted the bridge re-opened was access to town and the primary concern of the group who wanted to keep the bridge closed as the crime issue. She noted that out of the approximately 40 people who attended the meeting, there were maybe 20-25 actual residents. She suggested that if the bridge were re-opened that better lighting be installed on the bridge.

The Pedestrian Coordinator for Quality Forward was pleased that the vote to temporary re-open the bridge was the result of the survey. She, too, pointed out the items that need to be addressed relative to bridge repair, etc.

Mr. Lonnie Blair, representative of the Asheville Transit Authority, responded to questions from Council as it related to bus transportation in the Hillcrest community.

Ms. Dee Williams felt that the whole issue at Hillcrest was an economic development issue, not just a transportation problem.

Three residents from Hillcrest spoke in support of keeping the bridge closed stressing that children can get out doors and play, bus transportation is available and the closure helps curb the drug problem. One resident noted that people will cross the interstate where they want, whether or not the bridge is open or closed.

It was the consensus of Council to instruct staff to come back to Council with some possible dates for a tour of the area and a community meeting at Hillcrest. Some issues to be considered are to re-open the bridge, keep it closed, open the bridge up daily during certain time periods or, open the bridge up entirely for a couple of months and then evaluate it.

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BUDGET WORKSESSION DATE

It was the consensus of City Council to hold the budget worksession on Thursday, May 21, 1998, at 1:00 p.m. in the 1st Floor North Conference Room in the City Hall Building.

MARKETING STAFF FOR THE CIVIC CENTER

It was the consensus of City Council to instruct the City Manager to ask the Tourism Development Authority if they would move one of their current marketing staff to the Civic Center for the purpose of marketing the Civic Center in Asheville as a convention site.

FIRE CODE

Mr. George Morosani, developer, said that he is required, pursuant to the Fire Code, to put in a fire hydrant on a piece of property he is developing on Shiloh Road. He asked Council to investigate why he is being required to comply with that requirement when a building on Seminole Street which was recently constructed did not have to comply. He felt City government should give new businesses some kind of consideration for basic infrastructure.

The City Manager said that there is an economic development policy for the City and he would investigate the incident on Seminole Street and report back to Mr. Morosani.

OPEN MEETINGS LAW

Mayor Sitnick cleared up some inaccuracies that the Asheville Citizen-Times reported on in their articles on Tuesday, April 7 and Wednesday, April 8 concerning the Chamber of Commerce retreat in South Carolina in which six of seven City Council members attended. The inaccuracies included (1) who attended and did not attend the retreat, (2) the quote from the City Attorney was accurate, however, it was in answer to a different question, (3) a quote from the Mayor was incorrect regarding Council's concern over the cost of the retreat; and (4) the inaccurate and sexist statement that her husband was a psychiatrist. She then read G.S. 143-318.10 relative to the Open Meetings Law and also an excerpt from a book published by David M. Lawrence from the Institute of Government concerning retreats and whether the Chamber recent was concerned an official meeting. Mayor Sitnick also noted that on March 24, 1998, the City Council mentioned that the meeting being held today was being rescheduled because the majority of Council would be attending the Chamber retreat.

Each member of Council who attended the Chamber retreat spoke about the productivity of the meeting and how beneficial and important it was for City Council to attend. A budget is prepared every year for Council's training and the money spent for this retreat was well worth it and was within that budgeted amount.

It was the consensus of Council to have the City Attorney report back with how the City Council will proceed in the future regarding notification to the public regarding these kind of meetings.

Mayor Sitnick said that she was glad to have the interest of the paper rather than apathy but did hope that the reporting was accurate.

When asked if City Council would be willing to pay for their own expenses, as did Mayor Sitnick, City Council members who attended the retreat replied that they would not pay for the trip out of their own pockets, in that they were within the budgeted training amount and on City business. -6-

REPORTS FROM BOARDS & COMMISSIONS

Vice-Mayor Edward Hay reviewed the upcoming vacancies on various boards and commissions. He said that the City Council Boards and Commissions Committee met and noted that there is a need to appoint a member to the Metropolitan Sewerage District Board. This appointment will be to fill the unexpired term of Mr. Mike Holcombe who resigned the position earlier this year.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to appoint S. Douglas Spell, Assistant City Manager, to fill the unexpired term of Mike Holcombe, term to expire January

19, 2000, or until his successor has been appointed.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to appoint Ben Durant, Budget Director, to Victoria of Asheville to serve a three year term, term to expire November 29, 2000.

There is a need to create the River District Design Review Committee. Until such time as that Committee is appointed, it was the consensus of City Council to let staff review any major work projects.

Councilman Sellers moved to adjourn this meeting to the Council Chamber. This motion was seconded by Councilwoman Field and carried unanimously.

PRESENTATION BY ELECTRONIC INTERIORS INC. RELATIVE TO COUNCIL CHAMBER RENOVATIONS

Mr. Dickson Stewart from Electronic Interiors, Inc., and Ms. Jane Mathews from Mathews & Glazer Architects, presented City Council on the conceptual design layouts in the Council Chamber.

On February 25, 1997, City Council passed Resolution No. 97-19 authorizing the City Manager to enter into a contract with Electronic Interiors, Inc. for professional services to design and upgrade the audio-visual and other electronic capabilities of the Council Chamber in the City Building.

In November, 1997, Electronic Interiors, Inc. completed the Phase I portion of their contract which included meetings with city staff on programming and presentations resulting in the completion of schematic design drawings and preliminary budget estimates.

Based on information obtained in the Phase I portion of Electronic Interiors, Inc.'s contract, a proposal with related costs for design services for phase II-III was received by city staff. City Council approved a proposal for Phase II-III which incorporates services for the design development, complete construction documents and construction administration through out the project.

City Council provided additional information on the conceptual design layouts in the Council Chamber for incorporation into the final construction drawings.

CLOSED SESSION

At 7:00 p.m., Vice-Mayor Hay 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 City and its attorney. The parties involved in the matters about which the -7-

City Council expects to receive advice are: Multimedia Publications Inc. d/b/a Asheville Citizen-Times, Brenmor Cable Partners d/b/a InterMedia, Elijah U. Jones d/b/a Jones Convenience Store, State of North Carolina and the City of Asheville - the statutory authorization is G.S. 143-318.11 (a) (3); and (2) to discuss matters relating to the expansion of business or industry in the City the statutory authority is G.S. 143-318.11 (a) (5). This motion was seconded by Councilman Sellers and carried unanimously.

At 8:20 p.m. Vice-Mayor Hay moved to come out of closed session. This motion was seconded by Councilman Sellers and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 8:20 p.m.

CITY CLERK MAYOR
