

Tuesday – January 16, 2001 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Terry Bellamy; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

BUNCOMBE COUNTY'S PROPOSAL TO LOCATE A SATELLITE JAIL FACILITY AT THE CORNER OF HILLIARD STREET AND SOUTH LEXINGTON AVENUE

At the request of Mayor Sitnick, Councilwoman Field moved to amend the agenda to discuss the issue of Buncombe County's proposal to locate a satellite jail facility at the edge of Asheville's Central Business District at the corner of Hilliard Street and South Lexington Avenue. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

Upon inquiry of Councilman Hay, City Attorney Oast said that since he was uncertain of what the discussion would be by Council and since Councilman Hay is a property owner across the street from this site, he felt it would be appropriate to excuse Councilman Hay from participating in this matter. Therefore, Councilman Worley moved to excuse Councilman Hay from participating in this matter due to a conflict of interest. This motion was seconded by Councilwoman Bellamy and carried unanimously.

Councilwoman Field, member on the Downtown Commission, stated that the Downtown Commission recognizes the need for a facility to accommodate certain parts of the County inmate population, but it also recognized the need for a more comprehensive analysis of the location of the facility. Members are concerned how this use might affect the continued development of downtown. The Downtown Commission voted unanimously, at its January 12, 2001, meeting to request the County Commissioners postpone the purchase of the property for at least 30 days in order to explore opportunities for a comprehensive approach with County staff, downtown stakeholders, Commission members, and City of Asheville officials and staff.

Mayor Sitnick said that she met with Commissioner Ramsey earlier in the day and while he could not speak for the entire Commission, he felt the Commissioners would probably consider purchasing the property at their meeting that day; however, they may be willing to reconsider the use of that property. He said they would be willing to meet with City staff (perhaps the City Manager and Planning & Development Director) to discuss a different use for that property.

Councilwoman Field was surprised to hear that the County had 25 sites selected with only two in the downtown. She was told that they chose the one in downtown because there was no organized neighborhood opposition to it, and the longer the County waited, the more opposition there would be.

Mayor Sitnick then read a proposed letter from her, on behalf of the City Council, to be hand-carried to the County Commissioners. Said letter acknowledged the Downtown Commission's request that the Board of Commissioners delay their proposal for a short period to allow more discussion and evaluation of alternatives to occur. In addition, the letter read in part "... the Asheville City Council is concerned about the impact of this facility on the continued vitality of the thriving growth corridor between downtown and Mission/St. Joseph's Hospital. While your staff has been working for approximately two years in site selection, this is our first notice about the selection of a particular location. We need some time, preferably at least 30

days, to explore a comprehensive resolution of this problem with County Commission members, the Downtown Commission, downtown stakeholders, and City and County Staff. On behalf of the Asheville City Council, I respectfully request a postponement of action on this item."

Councilman Peterson wondered if the City would be setting a precedent where one local governmental body has to check with the other before proceeding in matters like this. He felt it was appropriate for the City to ask the County for the postponement; however, he felt we should be careful on how much we get involved since it's the County's job to run the jails.

Councilwoman Field moved to suspend the rules and take formal action at this meeting. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

Vice-Mayor Cloninger moved to authorize the Mayor to send the letter discussed above to the Buncombe County Board of Commissioners, with a note on the bottom from the Mayor thanking Commissioner Ramsey for the County's willingness to consider Asheville's concerns and hoping that a common solution can be found. This motion was seconded by Councilwoman Field and carried unanimously.

CONSENT:

Mayor Sitnick said that the grant application to assist with the development of the Skateboard Park has been pulled from the Agenda.

Budget Amendment to the 29 Water Bond Capital Improvements Fund

Summary: The consideration of a budget amendment to the 29 Water Bond Capital Improvements Fund to reflect an increase in the sale of revenue bonds from \$12 million to an amount not to exceed \$13.4 million.

The Regional Water Authority and the City of Asheville approved a resolution to amend Capital Project Ordinance 92-17 (29 Fund- Water Bond Capital Improvements Fund) to reflect the sale of revenue bonds in the amount of \$12 million in September 2000. Since that time, project cost estimates and bond issuance costs have changed and it is necessary to increase the sale of the bonds as follows:

Revenues:

Sale of 2001 Revenue Bonds \$13,400,000

\$13,400,000

Appropriations:

Bee Tree Spillway \$6,220,000

NCDOT Non-Betterment 3,043,930

NCDOT Betterment 288,750

Building Safety Improvements 1,000,000

Critical Needs Improvements 1,560,567

Master Plan Improvements 275,000

Bond Administration 907,533

Annexation 104,219

\$13,400,00

The Bee Tree Spillway estimate was the main change. It increased from \$5,500,000 to \$6,220,000. There were also increases in bond issuance costs due to a larger bond issue. The N.C. Dept. of Transportation projects changed to include a consistent 10% contingency for all projects and the Critical Needs Improvements decreased due to the deletion of a project that is going to be postponed until the next bond issue.

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Staff recommends approval of a budget amendment to establish funding for the \$13,400,000 million revenue bond issue scheduled for February 2000.

Ms. Rebecca Guggenheim, Administrative Services Manager, answered various questions from Councilwoman Bellamy.

Budget Amendment for Little Bear Care Child Care

Summary: The consideration of a budget amendment, in the amount of \$2,326, from Smart Start-Buncombe County Partnership for Children through the Special Needs Assistance Program for assistance for inclusive child care at Little Bear Care Program for extra cost while serving a child with special needs.

The City of Asheville applied to Smart Start for assistance in December 2000 for cost associated with providing extra staff for a child with special needs in Little Bear Care. The allocation was recently awarded in the amount of \$2,326, and designated for cost associated with providing extra part-time staff for a child with special needs in Little Bear Care.

The Parks and Recreation Department recommends City Council approve the budget amendment in the amount of \$2,326 for cost associated with providing extra part-time staff for a child with special needs in Little Bear Care

Budget Amendment for New Projects in the Public Art Program

Summary: The consideration of a budget amendment, in the amount of \$37,650, for grant appropriations and City of Asheville Capital Improvement Project (CIP) budget appropriations for the Public Art Master Plan, Public Art Restoration/Conservation, and Public Art Special Projects, all new projects in the Public Art Program.

The City of Asheville applied for funds, and received donations and appropriations in September-November 2000 for three new Public Art Program projects. The allocations were recently awarded, in the amount of \$37,650, and designated as described below.

Public Art Master Plan – A budget amendment in the amount of \$16,000, including a \$3,000 grant from the Community Foundation, a \$5,000 grant from the North Carolina Arts Council, and \$8,000 match from the City of Asheville CIP budget, to establish a budget for the Public Art Master Plan. Funds will be used to develop a

master plan. The \$3,000 Community Foundation grant is currently held in Urban Trail account 666-2512-383-3000 CP9911 to be transferred into the new Public Art Master Plan account.

Public Art Restoration/Conservation – A budget amendment in the amount of \$13,650, including \$1,000 private donation, and \$12,650 match from the City of Asheville CIP budget, to establish a budget for restoration and conservation of the City's public art collection. A match of \$12,650 is held by the Heritage Preservation in the Save Our Sculpture! 2000 grant program. Funds will be used to repair the sculpture at the Urban Trail's Station 25, Ellington's Dream, and to restore the "Energy Loop", the metal sculpture located in City-County Plaza.

Public Art Special Projects – A budget amendment in the amount of \$8,000, including a \$4,000 grant from the North Carolina Arts Council, and \$4,000 match from the City of Asheville CIP budget, to establish a budget for the Public Art Master Plan. Funds will be used to develop artist selection and the temporary art process in the Revolving Gateway Project.

This is the first year of the City's one percent for public art as allocated in the CIP budget, with \$50,000 available for matching funds for public art projects. The above matching funds are

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available in this account. The Parks and Recreation Department is responsible for the management and operation of the Public Art Program.

The Parks and Recreation Department recommends City Council to approve the budget amendment, in the amount of \$37,650, to establish budgets for the Public Art Master Plan, Public Art Restoration/Conservation, and Public Art Special Projects.

Regional Medical Park Drive Street Acceptance

Summary: The consideration of a resolution to accept Regional Medical Park Drive as a public right-of-way and City maintained street.

Section 7-15-1(f) 4.a requires that streets dedicated for public uses be accepted by resolution of City Council.

Regional Medical Park Drive is a newly constructed street servicing Regional Medical Park. The street has been constructed and inspected in accordance with the City of Asheville Standard Specifications and Details Manual. The street is a loop street that is approximately 2816 feet long.

Following City Council's approval of this resolution, Regional Medical Park Drive will be added to the official Powell Bill list.

Staff request City Council accept Regional Medical Park Drive as a public right-of-way and City maintained street.

Councilwoman Field asked if she had a conflict of interest if Regional Medical Park is a project her office is actively participating in. City Attorney Oast said that did not feel she had a conflict of interest since this is only a street acceptance.

Street Repair and Resurfacing Contract 12 – Phase II

Summary: The consideration of a resolution authorizing the City Manager to sign a contract, in the amount of \$902,327, to Precision Contracting for Contract 12 - Phase II street improvements.

The City Council approved \$1.6 million for street improvements for the 1995/1996 budget. This project is known as Contract No. 12 Street and Sidewalk Improvements. These funds were to be used for priority streets of the 43 streets identified. Phase I of these improvements were completed in 1996. The remaining budget for Phase II is approximately \$650,000.

The City Engineering Department has developed construction plans for Phase II street and sidewalk improvements on the following streets: Tunnel Road (Sidewalk only) (East); Dellwood Street (West); Evelake Drive (North); Fayetteville Street (West); Hawkins Lane (North); Hi-Alta Avenue (West); Woodland Drive (West); King Arthur Place (North); Percival Court (North); and, Richland Street (West).

The project was advertised for one month. Staff received bids on November 10, 2000. Only one bid was received at this bid opening. The sealed bid was returned to the bidder unopened per City policy. The project was immediately re-advertised for three weeks. The Engineering Department held a second bid opening on November 28, 2000. Two bids were received and opened. The bids were received by Precision Contracting, in the amount of

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\$888,462.00, and APAC in the amount of \$1,129,183.51. The engineer's estimate for Phase II, street and sidewalk improvements, was \$694,895 for these streets.

Upon examination of the bids, it was determined that the low bidder (Precision Contracting) had failed to include one item in their bid. Precision Contracting had given a unit price for the same type of item as that omitted on a separate portion of the bid tabulation. Upon bringing this discrepancy to the bidders attention the bidder agreed to include the omitted item at the same unit price as that on the separate portion of the bid tabulation. The addition of this discrepancy to the original bid made a total of \$902,327. After discussing the discrepancy with Legal staff, it was determined that Precision Contracting was a responsive bidder and that the bid was legal. A tabulation of bids is included with resolution.

Money for this contract is budgeted. The additional funds, other than the \$650,000 in the capital budget for this project, are available in the Public Works concrete and resurfacing budgets.

The construction time for this phase of the project is identified as 90 calendar days in the contract documents.

City staff recommends City Council adopt a resolution authorizing the City Manager to sign a contract, in the amount of \$902,327, to Precision Contracting for Contract 12 - Phase II street improvements.

License Agreement for Residential Driveway in North Fork Area

Summary: The consideration of a license agreement authorizing an encroachment in North Fork Watershed.

The applicants, Leigh and Katherine Kimmel represented by Black Mountain attorney Mike Begley, own property adjacent to City property near the North Fork reservoir, but downstream from the spillway. The Kimmels are constructing a residence on their property. In connection with their construction work, they are building a driveway.

There is a fence that has for years been assumed to be located on the common property line between the Kimmels' property and the City's property. A recent survey prepared for the Kimmels reveals that their line stops considerably short of the fence, indicating (a) that the fence is set back within the City's property line, or (b) that there is a gap in the two properties. The actual situation would be difficult to know without a survey of the City's property.

The Kimmels are asking for our agreement to allow for their driveway to encroach on our property (assuming it is ours), while preserving the rights of both parties to verify the ownership through appropriate means and not waiving any defenses to adverse possession. Without doing extensive and expensive research necessary to determine if the City has any interest in the property such that it could convey an easement or some other interest to the Kimmels, the license agreement is the best way to protect and serve the interests of the parties.

The Water Authority's attorneys have reviewed this matter, and concur in the use of the license agreement as the most effective means of addressing the situation.

Adopt a resolution authorizing the Mayor to execute a license agreement allowing the driveway encroachment.

Sister City Affiliation Approval

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Summary: City Council is requested to approve the Asheville Sister Cities, Inc. partnership with Kastoria, Greece.

Since recently losing a Sister City in Kyrgyzstan, the Asheville Sister Cities has been looking for a new partner city. The Search Committee chaired by former Mayor Russ Martin is recommending the City of Kastoria, Greece.

Staff recommends City Council approve the Asheville Sister Cities, Inc. partnership with Kastoria, Greece.

Upon inquiry of Mayor Sitnick, former President of Asheville Sister Cities Inc., explained on how Sister Cities are chosen.

Update on Parking Study Recommendations

Summary: This is a review of an updated Status Report Spreadsheet used to track the progress of the Parking Study Implementation.

The City's Comprehensive Parking Study was adopted by the City Council in December 1998. The Parking Study Implementation Team was formed and the LX Team Charter was signed in June 1999. The study made about 60 recommendations for potential changes that would improve parking issues within the City. In addition, a few other recommendations have been made by other groups including the Asheville Downtown Association and the Implementation Team itself. A total of 67 recommendations have been incorporated into a single Status Report Spreadsheet. This spreadsheet is used to track the Parking Study Implementation progress on evaluating and implementing the recommendations. Beginning in July 1999, updates are being provided to the City Council twice each year; once in July and once in January.

Many issues surrounding have been completed in the past 6 months. The parking fees adopted by Council for Fiscal Year 2000-01 are in place and staff is hearing positive comments from business owners about parking availability downtown. A new Downtown Parking Guide brochure has been completed to help notify the public about parking garages, meters, rates, and citations. The installation of revenue control equipment in the parking garages was just completed. This equipment allows tracking of vehicles, easy reporting of data, and control at the central office. Staff can instantly determine the occupancy levels of each garage from the office. Another feature that is being tested and should be operational within a month or so is the ability to collect a fee on exit even when the booths are not staffed. In the fall, City staff installed color-coded signs and banners to direct drivers to the parking garages. The downtown traffic signal optimization is underway and the timing plans should be implemented and refined by the end of February. The Wall Street garage was

painted and awnings were installed. The spreadsheet outlines the continuing work being done by employees from several departments to implement many of the remaining recommendations.

Staff recommends that Council review the Status Report Spreadsheet and direct staff to continue implementing the Parking Study.

Grant Application to Assist with Development of Skateboard Park – This item was removed from the Agenda.

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.

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I-26 UPDATE

Mr. W. Louis Bissette and Mr. Brownie Newman, Co-Chairs of the Community Coordinating Committee on the I-26 Project, updated City Council on the I-26 project issues and reviewed the five (two of which the N. C. Dept. of Transportation (NC DOT) originally suggested) current alternative alignments that the Committee is requested that the NC DOT review. It is their understanding that if the NC DOT considers the alternatives, it may only result in only a year delay of the project. Mr. Bissette stressed that the Committee is committed to having the project completed on schedule.

After asking various questions about each of the alternatives, City Council thanked the Committee for their hard work on this project.

RESOLUTION NO. 01-06 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION FOR THE CONSTRUCTION OF PRITCHARD PARK

Mr. Alan Glines, Urban Designer, said that this is the consideration of a resolution authorizing the City Manager to sign a contract with Carolina Construction Company to complete the construction of Pritchard Park.

The City of Asheville Parks and Recreation Department, at the request of City Council, began a public process to determine the future design for Pritchard Park. A task force was developed to direct the community input process. The Genesis Group developed a conceptual plan and that plan was presented and approved by the community and adopted by City Council on January 25, 2000. Since then construction documents were developed. A portion of the total plan was completed by City of Asheville crews in the fall of 2000. Renovation of water and sewer lines was also a part of this construction.

This contract will secure the services of Carolina Cornerstone Construction to complete the elements in the park area. This work will include the construction of the terraced plaza space, sidewalks throughout the park, a decorative brick wall, the gateway corners for the park, and install electrical components for the park and Bele Chere power needs. Carolina Cornerstone Construction will also install the fixtures (City purchased) for the park. The contract amount of \$260,000 is the result of an advertised bid for services. A total of six firms submitted bids for this project. The bids ranged from \$260,000-\$379,000. This amount is within budget.

The widening work to improve the sidewalk along the building-side of College Street has been completed. The sidewalk width was increased from 9 feet to 18 feet. Other amenities along the sidewalk include trees and tree grates, building access to comply with the American with Disabilities Act, and ornamental street lights. Parallel parking is also in place along the sidewalk in front of the buildings on College Street. The work will commence immediately and be completed by April of this year.

The Parks and Recreation Department staff recommends City Council authorize the City Manager to enter into a contract with Carolina Cornerstone Construction, in the amount of \$260,000, to complete the construction of Prichard Park.

Councilman Worley moved to suspend the rules and take formal action at this meeting. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

Councilman Worley moved to adopt Resolution No. 01-06. This motion was seconded by Councilwoman Field and carried unanimously.

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AZALEA ROAD FEASIBILITY STUDY

Parks and Recreation Director Irby Brinson said that this is the consideration of a resolution authorizing the purchase of 155 acres on Azalea Road for the development of a recreation facility and a beneficial fill/composting site and approving an associated budget amendment, in the amount of \$166,327.

City Council directed the Parks and Recreation Department to proceed with the necessary steps to acquire the Lake Craig and Azalea Road Park properties. Direction included the completion of a Feasibility Study to determine whether the purchase of the property was viable for use as a park and beneficial fill site.

For several years, the Parks and Recreation Department has investigated the purchase of the property located on Azalea Road as a future site for recreation. During this process, staff was approached by the Public Works Department about partnering in this project to include adding a beneficial fill and composting site. A total of 155 acres has been identified as part of this project. On June 13, 2000, City Council approved entering into a contract with Woolpert LLP to complete a Feasibility Study regarding purchase of the property for both recreation and beneficial fill/composting site. The scope of services included in Woolpert's contract contained an analysis of the flood plain/floodway regulations, wetland review, utility investigation, traffic impact analysis, beneficial fill investigation and cost of benefit analysis. Based upon the completion of the Feasibility Study, Woolpert has determined that there are no negative circumstances or issues surrounding the purchase of this property and recommends that the City of Asheville purchase the 155 acres to be used as a recreation and beneficial fill/composting site.

City staff and the consultant have worked together with a task team of representatives from the east Asheville community along with other interested user groups. Several meetings have occurred over the past 1 ½ years to solicit input in this process. Throughout these discussions, the City staff has maintained its original direction by City Council which was to determine the feasibility of the purchase of this property. The results of this decision have been based upon the recommendations from the consultant regarding the above issues which were predetermined by the task force as being the most important issues to be addressed.

Also included in this staff report is a budget amendment appropriating funds from the Public Works Department totaling \$166,327 which will be combined with existing capital funds in the Parks and Recreation budget for this project. The total balance available for the project represents \$314,624. These funds will be used to develop a master plan for the site and to make the first year payment for purchase of the property.

City staff recommends that City Council approve proceeding with the purchase of the 155 acres and to negotiate the best price possible with the two property owners based upon options which were signed with them in March of 1999. Staff also recommends approval of the budget amendment appropriating \$166,327 from Public Works Department's budget to current CIP in Parks and Recreation.

Mr. Doug Jewell, member of the Evaluation Team, briefly explained the project purpose of the City considering purchasing an approximate 155 acre tract of land for a community park and beneficial fill and composting mulch location. The designated uses should be compatible with adjoining properties, environmentally safe, and not cause significant impact to the natural resources. The Evaluation Team (which he identified) is to assist the City in making a Go/No Go decision regarding the purchase of the property considering six technical factors. He explained the site context and the existing land uses, which include agriculture, an historic site, horse facility, material disposal, lakes, woods, sand/gravel mining and equipment maintenance/storage.

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The first technical factor he reviewed was the floodplain/floodway regulations. The findings include that the 100-year floodplain occupies virtually all the flat lowlands, floodplain will hold water periodically impacting use, and regulated floodway along Swannanoa River. The conclusions/recommendations include (1) active and passive recreation can occur within the floodway, but filling is restricted; (2) structures and beneficial fill areas must be elevated above the 100-year flood; and (3) additional study required to alter the floodway downstream of disposal mound. The summary of the floodplain/floodway regulation is (1) site is feasible for a community park and beneficial fill location; (2) restrictions on the siting of facilities can be accommodated; (3) parks are commonly located within floodplains and floodways; and (4) must keep buildings, structures, and beneficial fill location out of the regulated floodway.

The second technical factor he reviewed was the wetland review. The findings include that vegetated wetlands exist on southern portions of the site, ponds and river are regulated by the Environmental Protection Agency and the N.C. Dept. of Natural Resources, and wetlands to be certified by state and federal regulations. The conclusions/recommendations include (1) wetlands should be preserved as open space (no development); (2) wetlands offer opportunity for environmental education; and (3) permitting will be necessary if wetlands are impacted. The summary of the wetland review is: (1) site is feasible for community park and beneficial fill location; (2) haul roads to the beneficial fill site will need to avoid the wetlands; (3) wetlands are community incorporated into parks as features; and (4) wetlands are located along the perimeter of the site and should not severely restrict facility layout.

The third technical factor he reviewed was the utility investigations. The utilities include sanitary sewer, telephone, electric, water and natural gas. The findings include sanitary sewer along Azalea Road, electric transmission lines on the south portion of the property, underground power is minimal, telephone serves existing buildings, no water service along Azalea Road and no natural gas along Azalea Road. The conclusions/recommendations include (1) sanitary sewer service is available; (2) electric service is available; (3) telephone service is available; (4) water service possible from Oteen Church Road; (5) natural gas service is not likely; and (6) transmission line relocation is costly. The summary of the utility investigations are: (1) site is feasible for a community park and beneficial fill location; (2) beneficial fill can be accommodated with little impact to utilities; and (3) park development can be served reasonably with utilities.

The fourth technical factor he reviewed was the traffic impact analysis. The findings include (1) no impact on signalized intersections; (2) delay increases at Azalea/Swannanoa; (3) other issues: (a) no left turn lane on Swannanoa at Azalea; (b) left land turn on Tunnel at Azalea; (c) sight distance problem for left turns from Swannanoa to Azalea; and (d) cut-through potential - 86 vehicles in each direction in peak hour. The findings include issues such as (1) width, curvature, and sight distance along Azalea – acceptable as a local access street; (2) access for cyclist in both directions and for emergency vehicles needed from both ends of Azalea; and (3) short off-set between Azalea and Lower Grassy Branch at Tunnel Road. The conclusions/recommendations include two primary alternatives: (1) Close Azalea Road to through traffic - (a) leave Azalea Road open to cyclists and emergency vehicles; and (b) future aligning Azalea Road with Lower Grassy Branch and add right turn lane to Azalea Road at Tunnel Road; and (2) keep Azalea Road open at

Swannanoa - (a) potential cut-through in adjacent neighborhood (b) add left turn lane on Swannanoa; (c) improve left turn sight distance from Swannanoa; and (d) add right turn lane on Azalea at Swannanoa if needed in future. The summary of the traffic impact analysis summary is: (1) site feasibility for community park and beneficial fill location; (2) Woolpert recommends Alternative 1 – Closing Azalea near Swannanoa to vehicle traffic; and (3) address speed limit, speed humps, sight distance along Azalea in design phase.

The fifth technical factor he reviewed was the beneficial fill. The findings include that fill began with construction of I-40 in 1963, before floodplain regulations; some minor dumping

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requiring clean-up; previous dumping violations per state (N.C. Dept. of Environment and Natural Resources); no current violations; and minor failure cracks along existing fill slope. The conclusions/recommendations include: (1) beneficial fill and composting/mulching can occur on-site at designated mound area; (2) beneficial fill located south of electric power right-of-way on approximately 5 acres; (3) composting/mulching located north of electric power right-of-way; (4) potential volume of fill over a 14-year period is 251,000 tons; and (5) general design requirements: (a) no wetland impacts; (b) not allowed in the 100-year floodway or floodplain; (c) no impact to historical sites; (d) no impact to endangered species; (e) E&SC plan required; and (f) visual screening from the parkway. The beneficial fill summary is (1) site is feasible for a beneficial fill and composting/mulch location; (2) site can meet state requirements; (3) site meets Public Works volume requirements; and (4) initial access to site across existing bridge – future access on new bridge.

The sixth and final technical factor he reviewed was the cost-benefit analysis. The findings and observations show that the projected annual operating cost of using beneficial fill location (current dollars) totals \$229,200, whereas, the projected annual operating cost using the County landfill (current dollars) totals \$659,400. The conclusions/recommendations include: (1) cost/benefit analysis shows the Azalea Road site is more advantageous than using County landfill; and (2) potential annual savings (a) \$430,200; and (b) City breaks even on entire site in less than four years. The cost-benefit analysis summary is (1) site is feasible and economically advantageous as a beneficial fill location; and (2) savings can be applied to the overall financial equation of the entire project.

The final study summary is that based on the six technical factors, the Evaluation Team unanimously recommends that the City purchase the property for a community park and beneficial fill location.

The Task Force has had two meetings with the community, seven hours of discussion and answered approximately 300 questions. He responded to the primary Task Force issues which questions included: will development of the site increase flooding, will development of the site impact water quality, will development of the site make traffic worse, is the City buying an environmental problem with the disposal site; is the disposal site stable and safe, will beneficial fill create an eyesore; will composting/mulching create objectionable smells and noise, and will site development lower property values.

If the City does not buy the site (1) the disposal site will likely be purchased by a commercial fill operation and the City may have to pay tipping fees; (2) much of the site will likely be developed as single and multi-family residential; (3) no protection for the Swannanoa River; and (4) the City will lose a prime City park location.

Mr. Mike Connor (member of the Evaluation Team) and Mr. Jewell answered various questions/ comments from Council, some include, but are not limited to: did they have access to the previous borings, is the contaminated soil from a service station properly corrected, is there any potential problem for children from the contaminated soil, what is the final height of the mound, can the transmission lines be buried, what is the status of the options to purchase, who is on the Task Force, can an environmental park still be developed, can the Thomas Wolfe Cabin be open for public access; how would the failure cracks along the existing fill

slopes be fixed; need to do everything possible in terms of alleviating smell and noise to the neighborhood; what is the tentative plans for the number of fields; is there an additional need for soccer fields; what kind of equipment will be used with composting mulch and how many days a month would that piece of equipment be used; and what is the status of the bridge and the cost of a new one if the City has to build one.

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City Manager Westbrook said that after we purchase the land and develop a master plan, then we can start attracting some grants – composting, education, reclamation of area, stabilization of the Swannanoa River, cleaning of the Swannanoa River, flood prevention and erosion, wetland protection, etc.

Councilwoman Bellamy said that due to the number of residents' concerns and the information in the feasibility study, she requested that City Council hear comments on the proposed purchase of property at their January 23, 2001, meeting, but delay the vote until another meeting.

After a brief discussion, it was the consensus of Council to hear comments from the public about this issue at their formal meeting on January 23, 2001, with the possibility of voting. However, if Council is not comfortable in voting at the January 23, 2001, meeting, then City Council will plan on voting on this issue at their community meeting on January 30, 2001, at the newly renovated Municipal Building located at 100 Court Plaza, beginning at 7:00 p.m.

ORDINANCE PROHIBITING DISCRIMINATION IN EMPLOYMENT IN THE CITY OF ASHEVILLE

At the request of City Attorney Oast, this item was removed from the agenda so that City staff may research it further.

CITIZEN-TIMES CONTRACT

Mr. Robin Nix, Public Information Coordinator, said that this is the consideration of a resolution authorizing the City Manager to sign a weekly frequency advertising contract with the Asheville Citizen-Times.

Each year City staff and the staff of the Asheville Citizen-Times reviews retail advertising that the City has placed during the year to determine what rates the City will qualify for the following year. Last year all departments in the City ran a total of 77 column inches per week in the Asheville Citizen-Times. This qualifies the City to take advantage of a weekly frequency rate running 64 to 90 column inches per week.

The open rate for advertising in the Asheville Citizen-Times is \$45.21 per column inch daily and \$58.11 per column inch on Sunday. This contract will allow the City to advertise for \$27.40 per column inch daily and \$35.55 per column inch on Sunday. Based on the amount of advertising placed in 2000, the City saves \$71,685 by signing the weekly frequency contract.

This contract is valid for all City departments that advertise with the Asheville Citizen-Times, including the Asheville Civic Center.
