

Tuesday – August 21, 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 Burlison

Absent: None

CONSENT:

Acceptance of Street Maintenance of Piney Mountain Road and Arnold Road

Summary: The consideration of a resolution accepting Piney Mountain Road and Arnold Road for public maintenance.

As part of the annexation process, staff identifies streets in proposed annexation areas that should be maintained by the City after annexation. As part of the 2001 annexation process, two streets were identified to be maintained by the City following annexation.

The first street identified is Piney Mountain Road. Piney Mountain Road is currently a N. C. Dept. of Transportation (NC DOT) maintained roadway approximately 0.73 miles in length known as State Route 2243. It begins at Chunn's Cove Road and ends at the Piney Mountain Condominium Complex. Only a portion of this road was in the City prior to this annexation. Following annexation, all of the roadway will be in the City limits. Staff is requesting that the City maintain the entire length of Piney Mountain Road.

The second street identified is Arnold Road. Arnold Road is located near the Veterans Administration Hospital off Tunnel Road. The length of the road is approximately 0.37 miles and is currently maintained by the NC DOT as State Route 2000 and 2001. Arnold Road is a dead-end street that begins at Tunnel Road.

Staff recommends that City Council adopt a resolution accepting Piney Mountain Road and Arnold Road for public maintenance.

Upon inquiry of Councilman Peterson, City Engineer Cathy Ball said that the City typically takes over streets as a result of annexations and that the City receives Powell Bill money from the state to maintain roads.

Parking Study Update

Summary: The review of an updated status report 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 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.

A few issues have been completed in the past 7 months or are nearing completion. Item A18 in the status report spreadsheet identifies some painting needs in the Civic Center garage. This painting was completed in June 2001. Items C4 and C6 address improvements to the pedestrian environment downtown. The recent completion of Pritchard Park improves walkability in this area of downtown, which is near several parking garages. City crews are currently constructing curb extensions and crosswalks on Broadway and Biltmore, improving the pedestrian environment in this area. Item D4 addresses the optimization of the downtown traffic signals. The consultant's new timing plans are in place in the core of downtown and have been evaluated and adjusted as needed. The final report from the consultant will be received soon. The N. C. Dept. of Transportation (NCDOT) has implemented some signal timing changes in the Haywood Street, Montford Avenue, and Flint Street area. The NCDOT is in the process of implementing signal timing changes at three intersections near Biltmore and Southside.

The revenue control equipment installed in the parking garages in January 2001 is now fully operational. A \$1.00 fee is now being collected during all garage exits when the booths are not staffed. Parking Services personnel report that with the new equipment, they are able to easily and accurately determine how many vehicles are in each parking garage. This allows them to maintain nearly 100% occupancy at busy times, making it easier for drivers to find parking and increasing revenue.

The parking fees adopted by Council in June 2000 for Fiscal Year 2000-01 continue to have positive affects on parking availability. One of the primary goals of these changes was to encourage use of the parking garages to maximize their use and provide more availability at on-street parking spaces. The Wall Street parking garage has historically been the most popular and it now reaches capacity on a regular basis. The Rankin Avenue parking garage rarely filled before, but during June and July of this year, it frequently reached capacity during the peak period around lunchtime, resulting in spillover to the Civic Center garage. Business owners and citizens report that drivers are now often able to find a spot on the street near their destination. A brief look at the revenues from the parking garages has indicated increased use as well. With the addition of the \$1.00 fee for garage exits when the booths are not manned, revenue at the parking garages has shown a 3% growth from Fiscal Year 1999-2000 to Fiscal Year 2000-2001. This increase occurred despite the fact that the first hour is free and the hourly rate was dropped from \$0.60 to \$0.50.

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.

At the suggestion of Councilwoman Field, it was the consensus of City Council to have the Traffic Engineer make a presentation at the next formal meeting so the citizens can have the benefit of the update as well.

FAA Grant Agreement

Summary: The consideration of a resolution approving a grant from the Federal Aviation Administration in an amount not to exceed \$5,381,370.

Federal Aviation Administration (FAA) has offered a grant agreement to the Asheville Regional Airport. This grant, in an amount not to exceed \$5,381,370, consists of the following projects: rehabilitate airfield electrical vault; expand general aviation apron; construct by-pass taxiway, Runway 34; and expand terminal building, Phase I.

Staff recommends adoption of the resolution and authorize the Mayor to execute the grant agreement for Project No. 3-37-0005-25.

Donation of Real Property from Troy E. Muse

Summary: The consideration of a resolution authorizing the Mayor to accept a donation of real property on Thompson Street from Troy E. Muse for the City of Asheville greenway system.

The City of Asheville is interested in establishing greenways or greenway systems throughout the corporate limits of the City of Asheville. Quality Forward has worked with the owners of real property along the Swannanoa River at Thompson Street to obtain easements for the proposed Swannanoa River Greenway. Troy E. Muse has offered to donate a portion of property he owns (approximately 0.35 acre) between Thompson Street and the Swannanoa River (a portion of PIN 9648.20-81-3179) for the greenway system.

A Phase I Environmental Site Assessment has been completed by T. & E. Technology. The property has been surveyed by W. K. Dickson. The Parks and Recreation staff have reviewed the proposed donation and found that the property is appropriate for the greenway system.

City staff recommends City Council adopt the resolution authorizing the Mayor to accept a donation of real property adjoining the Swannanoa River from Troy E. Muse.

Parking Facilities After-Hours and Weekend Security Patrol Services

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Sentry Alert Security, Inc., for parking facilities after-hours and weekend security patrol services.

With the installation of automated parking deck gate equipment last fiscal year, Council authorized the implementation of a \$1.00 fee for parking in the City's decks after-hours and all day on weekends (whenever Parking Services Staff were not manning the decks). The revenues from the \$1.00 fee are to be used to provide security enhancements for the decks during those periods. (The after-hours revenues have averaged approximately \$10,000.00 per month since their initiation last March.) The first security enhancement implemented was a contracted roving security patrol of the decks, surface lots and surrounding on-street parking area. Sentry Alert Security, Inc., began providing the patrol service in the spring of this year. Their service has been highly satisfactory and a number of favorable comments have been received from the public. The patrols have not only increased the public's sense of security and safety; but, have also aided customers who find themselves trapped in the deck by malfunctioning gate equipment or without funds to pay the \$1.00 fee or who find their car has a dead battery or flat tire. If future revenues prove adequate, additional security enhancements, such as monitored security cameras, blue-light emergency phones, etc. will be considered for implementation.

The proposed contract with Sentry Alert Security, Inc., is effective for Fiscal Year 2002 and provides hourly rates for patrol services and a maximum compensation of \$60,000.00 for the year. Funding is included in the Parking Services Fund Fiscal Year 2002 Budget for contracted security patrol service.

City staff recommends City Council adopt the resolution which authorizes the City Manager to execute a contract with Sentry Alert Security, Inc.

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Local Law Enforcement Grant

Summary: The consideration of a resolution authorizing the City Manager to accept a federal grant from the U. S. Department of Justice, Local Law Enforcement Block Grant Program and the associated budget

amendment.

The City of Asheville is eligible to receive a federal grant through the U. S. Department of Justice, Local Law Enforcement Block Grant Program. The grant is in the amount of \$141,904. A local match of \$15,767 is required. The source of the local match will be the City General Fund.

Under conditions of the grant, funds are being used to reduce crime and improve public safety.

Staff recommends Council adopt the resolution and budget amendment.

Budget Amendment for French Broad River Corridor Connector

Summary: The consideration of a budget amendment, in the amount of \$203,040, for an appropriation from the N. C. Department of Transportation in the Transportation Enhancement Program for the Transportation Equity Act for the 21st Century (TEA21).

The City of Asheville applied for grant funds in June 2000 to the N. C. Department of Transportation. The grant was recently awarded in the amount of \$203,040 and designated to pay for the cost associated with constructing walkways and sidewalks connecting the series of parks along the French Broad River on Amboy Road. A 20% match, or \$50,760, is required and already funded by the Public Works Department.

The Parks and Recreation Department recommends City Council approve the budget amendment in the amount of \$203,040 to create the budget for the French Broad River Corridor Connector.

Budget Amendment regarding Donation for Urban Trail Station 10 Grove's Vision

Summary: The consideration of a budget amendment, in the amount of \$6,600, for the Urban Trail's Station 10 Grove's Vision.

The City of Asheville and the Urban Trail Committee develops funding through private donations to support the development of the Trail. Donations in the amount of \$6,600 were recently received to complete the construction of Station 10 Grove's Arcade.

The Parks and Recreation Department recommends City Council to approve the budget amendment to increase the budget for the Urban Trail's Station 10 Grove's Vision.

Budget Amendment regarding Donation for Urban Trail's Thematic Markers

Summary: The consideration of a budget amendment, in the amount of \$7,251, for the Urban Trail's Thematic Markers.

The City of Asheville and the Urban Trail Committee develops funding through private donations to support the development of the Trail. Donations in the amount of \$7,251 are being received to complete the construction of the Urban Trail's Thematic Markers.

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The Parks and Recreation Department recommends City Council to approve the budget amendment to increase the budget for the Urban Trail's Thematic Markers.

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.

PUBLIC ART MASTER PLAN

Parks & Recreation Director Irby Brinson said that this is the consideration of a resolution approving the Public Art Master Plan.

In September, 1999, Asheville City Council established a Public Art Board for the City of Asheville. This seven-member board has been working over the past two years to develop a comprehensive planning tool to assist in the acquisition, retention and maintenance of a public art program in Asheville. A sub-committee was formed in 2000 to assist Board members in developing the overall outline for the plan. In addition, funds were secured through the N. C. Arts Council to match City funds to complete the final master plan that is being presented to City Council. This plan addresses a number of ways to implement the public art program, both for permanent and temporary art. The plan outlines the public process for solicitation of artists and artwork for various projects, as well as allowing for methods of deaccessioning art that will be owned by the City of Asheville. The Public Art Master Plan will serve as the foundation for the City of Asheville in regard to a vibrant and exciting Public Art Program for years to come.

Mr. Kenn Kotara, Chair of the Public Art Board, briefly reviewed with Council the Master Plan. He said it is considered a five-year vision for the integration of viable public art in the City. The Plan will be reviewed annually by the Public Art Board. In addition, the Board and designated staff shall conduct a condition survey of the City of Asheville Public Art Collection every three years.

In order to ensure that public artworks reflect the character, aspirations, and attributes of Asheville's residents, the Public Art Board will seek extensive and various community input. Asheville's individual residents and/or neighborhood associations, civic leadership, business and corporate community, special interest groups and community leaders will be extremely important in the public art process. By the time a new work is unveiled, Asheville citizens will have seen the initial designs and had an opportunity to talk with and question the artist and the various committees involved.

Currently, three working committees of the Board are designated to address the role of public art in Asheville: Planning/Permanent, Temporary/Rotating, and Collections/Management. The Planning/Permanent and the Temporary/Rotating committees will recommend specific art projects and determine appropriate installation sites. The Collections/Management committee will assist in the management, acquisition, maintenance, conservation, deaccessioning and interpretation of the works designated as part of the Public Art Collection.

Public Art Projects in Asheville will consists of two types:

Permanent/Long Term Public Art projects will involve artists in the design, construction, and installation of permanent works of art that will either be site specific, integrated, or respective of the sites they inhabit.

Gateway Projects: Artworks will enhance the character and distinction of an area by either marking or defining boundaries and/or entrances into the city, unique/significant districts, individual neighborhoods, and into the mountains.

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Streetscape Projects: Exceptional design in physical amenities such as street furnishings, seating, trash receptacles, lighting, signage, paving patterns, and plantings creating more aesthetically pleasing and pedestrian friendly features and places.

Neighborhood Projects: Public artworks will locate shared experiences, celebrate community diversity, record community histories, identify unique flavor and authenticity, and create neighborhood distinction.

Parks, Greenways and Community Center Projects: Art that offers tactile experiences, invites interaction and participation, and establishes resting places or focal points, or responds to natural elements or landscape features of the site.

Community-wide Projects: Public Art can promote Asheville's history, present and future, make beautiful places, ease circulation and way finding, celebrate cultural diversity and expression, foster community pride, and most importantly create memorable places and experiences. Memorable places and experiences provide recollection, further city identity, and orient both residents and visitors to a sense of place.

Building Projects: Public art integrated into the initial capital and development project design phasing and where artists will be collaborative members of the building design teams.

Infrastructure Projects: Infrastructure elements, such as storm sewers, water distribution mains and freeway overpasses can be designed so elements such as these become pleasing public symbols of community pride.

Temporary and Rotating Art will accommodate rotating art that involves artists in the creation of works that are non-permanent in intent and application and allow for flexibility and highly creative opportunities to showcase artwork.

Community Art Projects: Public Art Projects created specifically for the purpose of education, community participation and involvement.

Existing Site Projects: Projects, which install works for a defined period of time in existing locations with the basic premise being improving and exciting the appearance of their sites.

Invited Rotating Art: Projects that present new or existing work for short periods of time in locations including both indoor and outdoor areas that are selected based on visibility and their ability to adequately display art.

Artists participating in Asheville's Public Art Process shall be selected either through an open competition, where they are asked to submit evidence of their past work; a limited competition where a limited number of artists shall be invited by the Public Art Board to submit credentials and or proposals for a specific project; an invitational competition where a very small number of artists are invited to submit credentials and/or proposals for a specific project; direct selection where the Public Art Board may elect to make a direct selection in which they contract a specific artist for a particular project; or a mixed process including any combination of the above approaches.

The Public Art Board is responsible for making decisions as to the management, acquisition, maintenance, conservation, deaccessioning, and interpretation of the works designated as part of the Public Art Collection. Acquisition is the inclusion of an artwork in the Public Art Collection of the City of Asheville through commission, purchase, loan, or gift. Acquisition of an artwork implies a permanent, ongoing commitment, unless designated as a loan for a specified length of time. When artworks owned by the City of Asheville are viewed as no longer useful to the purposes of the public and/or the City,

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deaccessioning is the process of permanently removing an artwork from the collection. Standards applied to deaccessioning are just as stringent as those applied to acquiring works of art.

Asheville's Parks and Recreation Director will be directly responsible for the acquisition, maintenance and recommended funding of public art as part of the annual operating budget to the City Manager. The funding will be based on the one percent (1%) amount appropriated to the general Capital Project Reserve Fund beginning July 1, of each fiscal year. Appropriations from the Public Arts account to fund artwork will be

made on a dollar-for-dollar matching basis. Matching non-City funds from private or non-profit organizations must be deposited with the City prior to the commitment of a new art project. Any additional funds secured through grants, foundations or other sources to the Public Art Program shall be held in a dedicated account for the program or project.

The Parks and Recreation Department and the Public Art Board recommend City Council's approval of the Public Art Master Plan.

Councilwoman Field was pleased that this Master Plan recognizes what we have, maintains what we have, and will deal appropriately with new art.

Mayor Sitnick thanked the members of the Public Art Board for their hard work in developing this Plan. She also said that Asheville is quickly being recognized for its uniqueness with regard to public art.

Mayor Sitnick 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. 01-130 – RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RGE ASSOCIATES FOR THE CONSTRUCTION OF A PASSENGER WAITING ROOM AT THE ASHEVILLE TRANSIT CENTER ON COXE AVENUE

Transit Services Director Bruce Black said that this is the consideration of a resolution authorizing the City Manager to enter into an agreement with RGE Associates for the construction of a 40 passenger waiting room at the Asheville Transit Center on Coxe Avenue.

City Council instructed staff to proceed with the design and bidding of the forty-passenger waiting room for the Asheville Transit Center. The design was completed and the project bid. Bids were opened August 10, 2001, and the lowest bidder was RGE Associates in the amount of \$102,397.50. The project consists of adding a room to the existing ticket building for the purpose of providing transit passengers with shelter from inclement weather and temperatures. The bid is within the financial resources currently available to the Transit Services Department.

The Transit Services Department recommends City Council authorize the City Manager to enter into a contract with RGE Associates for the construction of the forty-passenger waiting room.

Upon inquiry of Mayor Sitnick, Mr. Black said that there is a 91-day contract for construction and the project should be complete between November 15-30, 2001. At the request of Mayor Sitnick to try to get this waiting area constructed before cold weather sets in, Councilman Worley moved to amend the rules and proceed with formal action at this meeting. This motion was seconded by Councilwoman Field and carried unanimously.

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

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Councilman Worley moved to adopt Resolution No. 01-130. This motion was seconded by Councilwoman Field and carried unanimously.

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OTHER BUSINESS

Mayor Sitnick announced that she conducted seven interviews for a vacancy on the Housing Authority and has chose Ms. Carol Goins to fill the unexpired term of Mr. Marshall Logan.

After discussion, it was the consensus of Council to (1) cancel the September 11, 2001, formal meeting; (2) cancel the October 16, 2001, worksession; (3) reschedule the October 9, 2001, formal meeting to October 10, 2001; and (4) reschedule the November 6, 2001, worksession to November 7, 2001.

City Attorney advised City Council that he may bring forward, at the next formal meeting, a request from the owners of the Kress Building regarding the location of a transformer on City-owned property.

It was the consensus of City Council, at the request of Vice-Mayor Cloninger, to add a resolution at the next formal meeting to urge the N. C. Dept. of Environment and Natural Resources to restore the awarded grant funds to the City of Asheville so they may complete the westernmost fuel station for alternatively fueled vehicles.

Upon inquiry of Vice-Mayor Cloninger, Planning & Development Director Scott Shuford advised City Council that his staff is working to amend the telecommunications tower ordinance to require companies to turn off their blinking lights on their cell towers.

Mayor Sitnick asked City Council to consider an anti-litter event. The event held four years ago was successful due to the cooperated effort of Buncombe County, Quality Forward and the Chamber of Commerce. The Public Works Department and the City's Enforcement Division have done an excellent job, along with Carolina Power & Light and BellSouth. She was disappointed that, due to the N. C. Department of Transportation's limitations, the City could not get them to cooperate on a co-partnership to clean up on state roads that come through the City. She suggest the anti-litter event could be seen on the education channel or at a formal meeting, or adoption of a resolution encouraging participating organizations, and new ones, to keep the heat on anti-litter efforts.

Mayor Sitnick reiterated that she has asked City staff to look into the issue of public restrooms downtown.

Mayor Sitnick suggested the Transit Services Director bring City Council information on the possibility of using rubber-wheeled trolleys in the downtown area.

Mayor Sitnick asked City Council to consider the possibility of putting a little more money in the budget for the Film Board in the next fiscal year.

Mayor Sitnick announced that she is will be sending out a letter week to ask the community to consider sponsorship of bus shelters, benches and/or the installation of them. Advertisement of that sponsorship or a plaque can be installed on the shelters or benches.

Mayor Sitnick reminded City Council about the green building roundtable on October 26, 2001.

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Mayor Sitnick asked City Council for any issues, accomplishments, projects, etc. that they would like included in her final State of the City Address, which will incorporate items from her entire four year administration.

At 3:58 p.m. Councilman Hay moved to go into closed session for the following reasons: (1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations, provided that any action authorizing the payment of economic development incentives will occur in open session - G.S. 143-318.11(a)(4); (2) To consult with an attorney employed by the City about

matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Carolina Power & Light Company, Morris Communications, Outdoor Communications, Inc., Maple Cove, Inc., and the City of Asheville - G.S. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, or fitness of an individual public officer or employee - G.S. 143-318.11(a)(3); and to prevent the disclosure of information that is confidential pursuant to G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in G.S. 143-318.11(a)(2). This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

At 4:31 p.m., Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 4:31 p.m.

CITY CLERK MAYOR
