

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Budget Amendment for Azalea Road Park

Summary: The consideration of a budget amendment for Azalea Road Park totaling \$319,990.89 received from a grant in the amount of \$249,165 from the N. C. Dept. of Environment and Natural Resources and from private donations in the amount of \$70,825.

The City of Asheville applied for funds in January 2002 for a grant from the N.C. Dept. of Environment and Natural Resources, Department of Environment and Natural Resources, Division of Parks and Recreation in the Parks and Recreation Trust Fund. The grant was recently awarded in the amount of \$249,165. The City has also received the first two installments of a \$350,000 gift from the Lewis Family Foundation at \$70,825.89.

The Parks and Recreation Department recommends City Council approve the budget amendment to increase the budget for development of Azalea Road Park.

Ms. Debbie Ivester, Superintendent of Administration, responded to questions from Vice-Mayor Bellamy.

Endorsement of TEA 21 Grants

Summary: The consideration of (1) a resolution authorizing the City Manager to apply to the N. C. Dept. of Transportation, through the Transportation Enhancement Program, for a grant for sidewalk improvements on New Haw Creek Road/Avon Road; and (2) a resolution for City sponsorship of grant applications from Pack Square Conservancy and Mountain Housing Opportunities.

Every two years, the N. C. Dept. of Transportation (NCDOT) puts out a call for applications for transportation enhancement funds. These are federal funds for transportation projects like sidewalks, greenways, streetscape improvements, beautification, and water quality improvements. The funds are part of the federal legislation that authorizes transportation funding known as TEA-21. If a project is awarded through the state selection process, costs are reimbursed at a rate of eighty percent (80%). The local match is twenty percent (20%).

Any public or private agency may apply for these funds, but each application must have a local government agency as the sponsor. In past years, the City of Asheville has received enhancements funds for projects such as the Urban Trail and the Weaver Boulevard Greenway. This year, the City of Asheville has prepared one application for sidewalk improvements on New Haw Creek Road and Avon Road. If awarded, the City of Asheville will provide the local match for the sidewalk project on New Haw Creek Road/Avon Road. This project was developed cooperatively with the Haw Creek Pedestrian Task Force over the past year. Staff has already surveyed and designed this project, and we are now waiting for a funding source for construction.

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In addition to the application from the City of Asheville, two outside agencies have applied for funding and have asked for sponsorship from the City of Asheville. The Pack Square Conservancy has applied for funds for Pack Square Streetscape Improvements and Mountain Housing Opportunities has applied for funds to construct a greenway and streetscape improvements in the West End/Clingman Avenue neighborhood. The City of Asheville is not responsible for the local match for the applications from outside agencies. The match will be provided by the applying agency. For these applications, the City of Asheville will be responsible for maintenance of any improvements that fall within public right of way, and may provide staff support for project implementation.

Listed below are summaries of the three grant applications presented for consideration.

1. New Haw Creek Road/Avon Road Sidewalk Improvements

City of Asheville Match: \$195,000

Enhancement Funds Requested: 312,044

Total Project Cost: \$507,044

Project Description: The proposed project entails construction of sidewalk, curb, gutter and storm drainage along the east side of Avon Road from the entrance of the East Asheville Library and Community Center to the entrance of Haw Creek Park; along the west side of Avon Road from the entrance of Haw Creek Park to the intersection with Beverly Road; and along the south side of New Haw Creek Road from the intersection with Arco Road to the intersection with Beverly Road. The project will require the acquisition of twenty-one (21) right-of-way easements.

2. Pack Square Streetscape Improvements

City of Asheville Match: None

Match by Pack Square Conservancy: \$125,000

Enhancements Funds Requested: \$250,000 (street improvements)

Total Project Cost: \$2,500,000 (total project)

Project Description: Pack Square Renaissance is a significant civic improvement project in the historic center of downtown Asheville, N.C. The project will “knit” together more than six acres of fragmented public property into a major new public park and revitalized historic square. A primary focus of the project is to provide more balance to the accommodation of both pedestrians and vehicles. The project includes the reorganization of multiple small green spaces into an important new “town green” as well as enhanced pedestrian amenities such as: new plazas, terraces, and sidewalks. Streetscape features such as street trees, benches and lighting will accompany public art, performance stages and water features. This application is to assist in the pedestrian enhancement/streetscape portion of the Year One improvements – the reorganization of the existing City-County Plaza into the major portion of the new “green” as well as two “forecourts” directly adjacent to both the Buncombe County Courthouse and the Asheville City Hall. Redesign and enhancement of pedestrian and vehicular circulation will be key components of this portion of the overall project.

3. Clingman Avenue Streetscape and Greenway

City of Asheville Match: None

Match by Mountain Housing Opportunities (and other sources): \$243,150

Enhancement Funds Requested: \$266,550

Total Project Cost: \$509,700 (phase I and II)

Project Description: This project proposes multi-modal transportation enhancements to Clingman Avenue and its adjacent greenway, a gateway corridor that connects downtown

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Asheville to its riverfront and West Asheville. The project area, approximately 25 acres, encompasses approximately 2000' of frontage on Clingman Avenue and Haywood Road and the adjacent right of way, extending from its intersection with Hilliard Street to the north and down to the West Asheville Bridge. This corridor includes Clingman Forest, an approximately 10 acre urban riparian forest parallel to Clingman Avenue to the east and extending to Aston Park to the north, the YWCA and Asheville Middle School to the East, and river warehouse district immediately to the south. Funding would provide for streetscape enhancements to Clingman Avenue, the historic heart of the racially and economically diverse West End/Clingman Avenue neighborhood that is currently undergoing dramatic revitalization. It would also support the development of a greenway parallel to Clingman Avenue through Clingman Forest, including innovative watershed-based stormwater management currently being developed. This project would build on existing broad based partnerships and community support to implement recommendations in the *City of Asheville 2010 Plan*, the *Asheville Greenways Master Plan*, and the award-winning *2001 West End/Clingman Avenue Neighborhood Citizens Master Plan*.

The TEA-21 Enhancements Grant Applications will be reviewed and awarded in the Fall of 2002.

City staff recommends City Council (1) approve a resolution authorizing the City Manager to apply to the State of North Carolina for a grant for New Haw Creek Road and Avon Road Sidewalk Improvements; and (2) approve a resolution designating the City of Asheville as the local government sponsor for grant applications for Pack Square Streetscape Improvements and Clingman Avenue Streetscape and Greenway.

Vice-Mayor Bellamy was pleased that the City is making a good effort to construct sidewalks in Haw Creek.

Upon inquiry of Councilwoman Jones, Mr. Dan Baechtold, Metropolitan Planning Organization Coordinator, said that the

City should be notified in January of 2003 if they are awarded the grant.

After a brief discussion about the Pack Square Renaissance Project, Mayor Worley said that an agreement has been signed with the Pack Square Conservancy to move forward with the project and a copy of that agreement will be provided to Council. It was the consensus of Council to ask Pack Square Conservancy Inc. to update City Council at a future worksession and invite the Public Art Board to attend the meeting as well.

Acceptance of New Street Name "Applewood Drive"

Summary: The consideration of a resolution accepting the new proposed street name "Applewood Drive."

GPD of NC Inc., owner of lots in Applewood Subdivision, has petitioned the City of Asheville to accept the street name "Applewood Drive." The new street will begin at New Haw Creek Road and end at cul-de-sac on Applewood Drive.

City staff recommends adoption of the resolution accepting the new proposed street name "Applewood Drive."

Interlocal Agreement with the City of Durham, N.C.

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Summary: The consideration of a resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Durham for the procurement of buses and bus equipment.

It is the plan of the Transit Services Department to replace several of the existing fleet each year with more modern low floor buses, pending state and federal funding. The Transit Services Department has therefore participated in a statewide effort to standardize transit bus purchases over the next two years. This is intended to radically diminish the lead time necessary to purchase buses, and to use the prospect of bulk purchases to intensify competition and obtain a lower bid from the bus manufacturers.

The lead agency, for the purpose of bidding the bus purchase, is the City of Durham. In order for Asheville to participate in this bid, there must be an Interlocal agreement signed between the City of Asheville and the City of Durham. This agreement will not commit the City of Asheville to purchase any buses, but it allows the City to purchase buses off of the Durham bid if so desired. The City may also conduct its own bid process and purchase it's own buses if it wants to.

City staff recommends City Council authorize the City Manager to sign an Interlocal Agreement with the City of Durham, North Carolina.

Mayor Worley 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.

UPDATE ON ASHEVILLE'S ISO BUILDING CODE EFFECTIVENESS RATING

Director of Building Safety Terry Summey said that on March 6, 2002, the City of Asheville was re-evaluated for a five (5) year renewal of its Insurance Service Office (ISO) Building-Code Effectiveness Grading Schedule (BCEGS) Ratings; the City Manager was notified of our maintaining our ratings of "2" on June 6, 2002. The ratings continue to be the "best in the State."

As a result of Hurricane Andrew in 1992 knocking the wind out of property/casualty insurers that covered homes and businesses, it was recognized that effective building code enforcement could lower insured losses. The Insurance Services Office (ISO), in cooperation with numerous organizations, developed the Building Code Effectiveness Grading Schedule (BCEGS). Studies of various catastrophes graphically demonstrated that effective code enforcement reduces loss in catastrophic events. Experts estimate that Hurricane Andrew losses could have been reduced 30% to 55% if building codes had been strictly enforced.

Since 1995, ISO has classified over 9,000 communities in the United States. The City of Asheville was evaluated in mid 1995 and received a rating of "4" for both new commercial and residential construction. Normally jurisdictions are evaluated every five years unless significant changes occur within the jurisdiction's inspection department. Due to changes, the City was evaluated again in November 1997 and received new ratings of "2," which were effective on May 1, 1998. In the most recent five (5) year re-evaluation of the City, the City maintained its "2" status. We did gain 6 points; with a score of 91.43, we came within 1.57 points of obtaining a rating of "1". Currently only 2 jurisdictions in the country have obtained a rating of "1", and 78 jurisdictions have obtained a rating of "2."

The benefits of an excellent "BCEGS" rating include the following:

- Using up-to-date building codes;
- Better building departments and improved code enforcement;

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- Catastrophe-resistant buildings;
- Reduced property losses from catastrophes; and
- A reduction in the economic and social disruption that results from catastrophes' serious and widespread destruction.

Staff has also appealed the score, and is still striving for a "1." Based upon a discussion with the ISO evaluator on July 2, several scores should change and we will be .75 points away from a "1." He will be visiting the City again in late July to re-examine the documentation.

No action by City Council is required. Due to rating credit tables not currently developed for North Carolina, staff will report back hopefully in the near future with any insurance cost savings to property owners as a result of the ratings. Staff will also be notifying Council of the final ISO ratings as a result of the appeal.

Councilman Ellis said that he had received high compliments from a developer in the area about Asheville's professional Building Safety Department. In the conversation, however, the developer questioned a landscape ordinance requirement. City Manager Westbrook said that he would obtain further information from Councilman Ellis and investigate the matter.

Vice-Mayor Bellamy felt that our "best in the State" ratings should be acknowledged on our Government Channel.

Councilman Dunn was concerned about the City imposing stricter regulations on homeowners. He was not saying that safer buildings are not important, however, he wondered if the City is imposing too many regulations, especially since he has talked to insurance companies and they have said that they will not use ISO ratings with regard to insurance costs.

SPECIAL MEETING FOR FINAL BUDGET ADOPTION

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Due to a Council member being out of town on August 27, 2002, the date the final budget was scheduled to be adopted, it was the consensus of Council to schedule a special meeting on Thursday, August 29, 2002, at 5:00 p.m. to consider the final adoption of the 2002-03 Annual Operating Budget. In addition, it was the consensus of Council to have a budget worksession on Tuesday, August 20, 2002.

BOARDS/COMMISSIONS

It was the consensus of City Council to postpone filling two vacancies on the Historic Resources Commission until they receive a report from the City Manager on an overall review of the Asheville-Buncombe Historic Resources Commission, the City's Historic Resources Division and the funding. City Manager Westbrook said that he would have a report within a couple of months.

It was the consensus of City Council to confirm the reappointments of Clara Jeter, Claudia Thomas and Marvin Vierra on the Minority Business Commission. In addition, there will continue to be a vacancy for a minority businessperson on the Commission and Council will wait until they receive a recommendation from the Commission.

It was the consensus of City Council to reappoint Stephanie Cooper, James Lewis and Alexander Maitland to the Police Officers and Firefighters Disability Review Board.

It was the consensus of City Council to interview Louise Glickman, Joe Helms, Barbara Cary and Lois Mills for a vacancy on the Public Art Board.

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HEERY INTERNATIONAL FINAL CIVIC CENTER REPORT

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Chair of the Future of the Civic Center Task Force Edward Hay said that it is extremely important to have a plan of action in order to move forward with whatever City Council chooses to do with the Civic Center.

Mayor Worley said that Council received a verbal final report from Heery International back in March of 2002 and received the written report in April. He acknowledged that there are degrees of concern regarding the Civic Center. Funding is highly dependent on assistance of our local delegation and the climate at the State level for funding is not very conducive for this year and we don't know what next year will bring. He felt that Council needs to discuss the issue at his point rather than have any final decision.

Mayor Worley expressed his personal overview of the issue in that the concept is possible and feasible to keep the arena and entertainment in the same location. It adds banquet, reception and mixed use areas; and maintains the downtown location.

He said objections regarding location has always been controversial. Access – you can't get there; and parking – there's not enough. Regarding access, people want the arena in a location on the interstate where they can get back home quickly. He reviewed with Council an aerial photo, which showed there are a multitude of ways to exit the Civic Center from the downtown location. Regarding parking, there are three parking garages within easy walking distance, another parking garage is being built, and there is on-street parking. He then reviewed with Council an aerial photo that showed the parking available around the Civic Center location.

Other concerns include (1) Cost – can we as a community finance the cost? We can work with architects to reduce costs, seek funding sources from the state, work with private sector to fund portion, call upon community to contribute to the entertainment portion of the project, and be realistic about our state's economic condition; (2) Community Consensus – other efforts are underway in the community which include a performing arts at another location; UNC-A discussed as potential arena site; and craft center or museum discussed for Civic Center site behind arena.

Although many think the arena should be moved, there is an effort underway to locate a sports complex at another site.

How can we move forward? We can work with serious efforts for performing arts. If others succeed in financing and construction, then we all have succeeded and can move to alternatives. We can work with ideas for a craft center or museum. If one idea is successful elsewhere, it will nurture others. We can also support a privately funded sports complex. If it succeeds, many of the City's burdens will be relieved.

In conclusion, Mayor Worley felt we have an excellent concept that will give us a modern arena; give us a new performing arts center; give us exhibition, banquet and meeting space; allow us to attract conventions and conferences; maintain a vibrant downtown that generates sales tax dollars and growing property tax values; and is flexible if one or more other efforts succeed.

On behalf of City Council, Mayor Worley thanked Mr. Richard Fort and his firm of Pearce, Brinkley Cease & Lee, P.A., (PBC & L) for preparing an alternative vision of urban design improvements to the area of town adjacent to and including the existing Civic Center. Said alternative proposal was uncommissioned and City Council appreciated the time, effort and costs associated with it.

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All of Council agreed that funding was a major obstacle in the proposal and that there was not a clear consensus on a plan for the Civic Center.

Mr. Hay stressed that the options need to be narrowed down so there is a concept you can work towards. Then you can start building community consensus and look for funding options.

Councilwoman Jones felt that the community needs to step forward within a timeframe so that the City will know what they can depend on.

Councilman Mumpower agreed that it would be nice to commit to a plan, but it has to be a plan of reasonable consensus. He suggested Council add this item to their monthly worksession meetings for updates. In addition, he suggested the Mayor appoint Council members to actively pursue some options and sort out the well-intended wishes from those which are workable realities that the City can help develop.

Vice-Mayor Bellamy felt the City should put the question on the November ballot and ask the community what they want.

Councilman Peterson did not feel like there was a consensus on Council for the Heery concept or anything else. Since he personally did not support the Heery concept, he suggested Council look at other options, some of which were in the recent proposal submitted by PBC & L. He agreed that we do need a plan of action, however, there is no consensus on what that plan needs to be.

Mr. Hay noted that the Future of the Civic Center Task Force's recommendation was to move forward with the following: CP-1 (\$72.8 million) site improvements including utilities, grading and roadwork; Lexington Street motor court; performance center auditorium; lower bowl seating and lower concourse in arena; rotunda; and service plaza for areas; and CP-2 (\$13.1 million) conversion of the Thomas Wolfe Auditorium to great hall ballroom, including kitchen and support; and expansion and improvement of arena support and operations spaces. This would be a total cost of \$85.9 million. The rest of the \$115 million price tag were enhancements.

After discussion, it was the consensus of Council to postpone action on this matter for at least 5-6 months, with the possibility of developing legislation to go to our local delegation during their Long Session. In the meantime, Mayor Worley will contact individual Council members to assign them to actively pursue options and work with the Task Force members for background information. This period of time will also give other groups the opportunity to come forward with solid plans.

CLOSED SESSION

At 5:27 p.m., Councilman Mumpower moved to go into closed session 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: City of Asheville, Kenneth Bowman, Joseph Boerner and others. This is the City's appeal of the Civil Service Board decision on the police officer pay grievance. There are about 25 names and the City Attorney has a written list of the names if anyone wants to see it. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilman Ellis and carried unanimously.

At 6:35 p.m., Councilman Ellis moved to come out of closed session. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

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ADJOURNMENT:

Mayor Worley adjourned the meeting at 6:35 p.m.

CITY CLERK

MAYOR