

Friday - February 2, 1996 - 1:30 p.m.

Kanuga Conference Center, Hendersonville, NC

Room 623 - City Hall Building, Asheville, NC

City Council Retreat

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

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Each department reviewed their department issues with Council.

City Council then heard a report from Police Chief Will Annarino on the police community resource centers. After a lengthy discussion of both the philosophy and current practices concerning community resource centers, Council decided on the following strategy: (a) The Police Department will continue to work with any community that would like to establish a resource center. Currently, Oakley has shown the most interest; therefore, we are concentrating in that area. At the appropriate time during the organizational process, the Police Department will ask Council to participate in a community meeting in Oakley to discuss their role, and the City's role, in the service center; and (b) Staff will work with the committee formed by Council (consisting of Councilmen Sellers, Skalski and Worley) in helping communities wishing to set up resource centers or making improvements at existing centers.

After a presentation from Terry Summey, Director of Building Safety, on what community oriented government could be, Council approved the concept. During the budget process, staff will bring forward a multi-year plan for implementing community oriented government. The implementation plan will identify any personnel, programs and resources needed.

Saturday, February 3, 1996 - Kanuga Conference Center - 8:30 a.m.

Due to weather conditions causing a power outage, it was the consensus of Council to continue the retreat on Sunday, February 4, 1996, in Room 623 of the City Hall Building in Asheville, N.C.

Sunday, February 4, 1996 - Room 623, City Hall - 9:00 a.m.

Parks & Recreation Director Irby Brinson briefed Council concerning all the needs of the Parks and Recreation Department. After some discussion, Council decided the following on specific projects: A. Lake Craig Property - Staff and Council will continue to pursue working on the Lake Craig property with the idea that it will probably become exclusively a soccer area. Staff will continue to work on private funding, as well as County government funding, to support the purchase and development of any property needed. B. Richmond Hill property - Council agreed to have staff prepare a request for proposal to send to developers, which would include items such as the need for a minimum 30-acre park and trails throughout the area. Council will review the RFP prior to moving forward with the project. C. Haw Creek Park - Staff will continue to pursue the acquisition or donation of property in the Haw Creek area for a

park, and will work with the community to that end.

D. Stephens-Lee Center - Council gave this a high priority with a condition that there be a buy-in from the community.

After a presentation and discussion with Public Works Director Mark Combs on recycling, staff was given the following directions: (a) Staff will work with the Recycling Committee to issue an RFP to determine what the costs would be to implement a program within the City. Once the proposals are returned from the vendors, staff will evaluate the proposals with regard to which would be the best and most cost-effective system; (b) In terms of financing the recycling program, Councilman Sellers moved to have the additional costs shared, on an equal basis, between the citizens and the City. This motion was seconded by Councilman Sellers and carried on a 4-3 vote, with Vice-Mayor Field and Councilmen Hay and Skalski voting "no". The opposing votes were not against a recycling program, but their feelings were that this is a tax and the City should pay it out of General Fund; (c) the results of the RFP, the type of system and the final cost will be put into the budget process for discussion by Council.

Consensus of Council to continue the goal setting process after Council's worksession on February 6, 1996, and the legislative issues to be reviewed during their worksession on February 20, 1996.

Mayor Martin adjourned the meeting at 2:00 p.m.

Tuesday, February 6, 1996 - City Council Goals and Objectives - 5:00 p.m., Room 623 - City Hall Building

The following are 11 top goals arrived at by City Council: (1) Complete and adopt the Unified Development Ordinance (staff work completed by 12/31/96 and public review and adoption by 6/30/97); (2) Adopt and support "community oriented government; (3) Encourage and support police/community resource centers; (4) Address planning for and funding of City facilities/projects/needs; (5) Parks long range plan priorities; (6) Proceed with enforcement of the sign ordinance; (7) Maintain or improve the City's financial strength; (8) Encourage and support City employee relations; (9) Adopt and begin a phased residential solid waste recycling program after July 1, 1996; (10) Work toward addressing City School educational performance disparities with the use of a task force; (11) Seek improved City/County/regional cooperation; and (12) Provide leadership in pursuit of the Asheville-Buncombe Vision, the City's 2010 Plan, the Bicentennial Celebration, and seek the All American City designation. These top eleven goals were arrived at after 55 smaller topics were introduced and combined.

Tuesday, February 20, 1996 - Legislative Issues - 2:00 p.m., Room 623 - City Hall Building

City Attorney Slawter said that the 1996 legislative session convenes on May 13, 1996, and is scheduled to adjourn on June 21, 1996. The deadline for submitting local bills to legislative drafting is May 22, 1996, and the deadline for introduction of local bills in either chamber is May 29, 1996.

He then summarized the City's 1995 legislative program stating that the following three issues were approved: (1) authorization for use of "Denver Boot"; (2) authorization for a process, to be used in connection with the demolition of dilapidated structures, whereby notice is given only once to owners and other parties in interest; and (3) same authority as other cities have to collect their own ad valorem taxes (instead of being required to have the county collect them). He then reviewed the four items that were not

approved by the legislature.

He noted that if HB 220 (Outdoor Advertising/Just Compensation) is enacted, this bill would require a local government unit to make monetary payments to billboard owners if the unit passes a sign ordinance requiring nonconforming billboards and signs to be phased out over a period of time.

He briefed Council on three primary areas of concern that may come up in the 1996 legislative session coming from study commissions: (1) Extraterritorial Jurisdiction -- this includes such issues as permitting residents of a city's extraterritorial planning jurisdiction to vote in city council elections. It also includes prohibiting a city from extending its extraterritorial jurisdiction into a county other than the one containing its primary land area; (2) Annexation -- This topic includes the possibility of all sorts of limitations on cities' annexation authority, such as a return to the pre-1959 standards that

required referenda, or a requirement that a jury trial be held if requested by a petitioner challenging an annexation; and (3) Attorney Fees in Condemnation Cases -- This would require units of government to pay the attorney fees of the defendant in a court action for condemnation of property.

He said that the only specific request for local legislation that he has received at this point from staff is a request from Terry Summey that the Council seek an amendment to G.S. 87-14, so as to exempt Asheville from the requirement that before issuing a building permit to a contractor, the building inspector must verify that the contractor has paid the license tax required by the State Revenue Act and has workers' compensation insurance in effect.

He stated that he has received a request from the A-B Community Relations Council asking to be designated as a EEOC agency. This designation would allow them to have the same powers as the federal agency in Charlotte on a local level. In becoming a designated EEOC agency, they would be compensated for cases they investigate. Currently the compensation is \$500 per case. They feel this compensation would enable them to stabilize their funding and decrease their dependency on the City and the County. They feel that in seeking this designation, the Community Relations Council can perform a greater service to the City and the County. City Attorney Slawter was concerned about the legal staff support necessary. It was the consensus of Council to (1) find out if the Buncombe County Commissioners have taken any action on this request, (2) contact other cities and counties to see how this has worked for them; and (3) attempt to get input from businesses on whether they feel a local EEOC agency might cause more complaints due to it being local.

City Attorney Slawter also said that he had recently received a letter from Wally Bowen regarding campaign finance reform. Mr. Bowen suggested that the City offer incentives to candidates who voluntarily reform, although Mr. Slawter was not aware of any legal authority for such incentives.

Councilman Skalski asked that we ask our local delegation to pursue some basic issues that come up, like term limits. He suggested limiting campaign spending and also raising Council salaries every two years in order to give people more access to serve on Council.

Vice-Mayor Field spoke in opposition to term limits. She suggested the City wait and see what the legislature does on campaign financing and then Asheville can respond.

Mr. Calvin Allen, representing the Committee for Campaign Finance Reform, asked Council to adopt a resolution urging the WNC legislative

delegation to make campaign finance reform a priority in 1996, and to increase pay for Council members.

Vice-Mayor Field felt that campaign finance reform was not a priority for her. She felt that issues like education and crime would be a higher priority for the delegation to consider. She did, however, support Council's looking into a pay increase for future Councils, but that is something that the Council can do itself -- it doesn't have to ask the legislature. She suggested this item be brought up during budget deliberations.

City Attorney Slawter then reviewed with Council a memorandum related to changes that the Council may make itself in the form of government of the City.

When Councilman Hay asked if the present Council could change the method of election of City Council in 1997, City Attorney Slawter said that G.S. 160A-107 provides that amendments to the City Charter related to the method of election of Council members adopted pursuant to G.S. 160A-101, et seq. "shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder." The current Council was elected under the "nonpartisan primary and election" method authorized by G.S. 163-294, in accordance with Ordinance No. 2155 dated November 15, 1994, which so amended the City Charter. The current Council is the first Council elected pursuant to that method of election. Since the "beginning of the term of office" of the current Council was on December 5, 1995, it was his opinion that the current "nonpartisan primary and election" method of election of Council members must remain in place until at least December 5, 1997. Any desire on the part of the Council to change either to partisan elections or to another form of nonpartisan elections could thus not be accomplished by the Council in time to be effective for the 1997 election. The earliest election for which such a change could occur would be the 1999 City Council election.

Councilman Skalski presented a resolution for the NC Housing Trust Fund which encourages the local delegation to re-fund this trust fund in the amount of \$2.5 Million. He asked that this be brought back to the Council in the legislative package.

It was the consensus of Council to have the City Attorney prepare a draft legislative package to bring back to Council consisting of the following proposals:

1. Same authority as other cities have to designate downtown area within which development projects may take place in accordance with G.S. 160A-458.3.
2. Exempt Asheville from the requirement that before issuing a building permit to a contractor, the building inspector must verify that the contractor has paid the license tax required by the State Revenue Act and has workers' compensation insurance in effect.
3. Authorization for increase in annual motor vehicle tax (currently \$5) to up to \$10.
4. Resolution urging the WNC legislative delegation to make campaign finance reform a priority in 1996.
5. Request from the A-B Community Relations Council to become a designated EEOC agency.
6. Resolution for the NC Housing Trust Fund which encourages the local delegation to re-fund this trust fund in the amount of \$2.5 Million.

CITY CLERK MAYOR
