

Tuesday - March 16, 1999 - 3:00 p.m.

Worksession

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

Absent: None

CONSENT:

Grant from Community Foundation of WNC for Summertime Kids 1999 Program

Summary: The consideration of a resolution authorizing the City Manager to apply for and enter into an agreement with the Community Foundation of Western North Carolina for a grant to develop and implement outdoor adventure activities in the Summertime Kids 1999 Program.

Funds are available through the Community Foundation of Western North Carolina in the Summertime Kids 1999 program to provide fun and safe summer activities for youth. The Summer Teen Program is designed to provide recreation activities for teens ages 13-16 for eight weeks during the summer. The program is located at six locations throughout the city in community centers. The Teen Program will offer a wide variety of recreation activities and hands-on job training. Grant funds will be used to implement the outdoor enrichment activities including a challenge ropes course, rock climbing, rollerblading, and mountain biking. The amount of the grant request is \$1,950. The Parks and Recreation Department's in-kind match of \$26,708 will be in labor, administration, transportation, supplies, and training for the overall Summer Teen Program. The funds are budgeted in the Recreation Division.

The Parks and Recreation Department recommends City Council authorize the City Manager to apply for and enter into an agreement with the Community Foundation of Western North Carolina for a grant to develop and implement outdoor adventure activities in the Summertime Kids 1999 Program.

Grant for Gang Resistance Education and Training Program

Summary: The consideration of a resolution authorizing the City Manager to accept grant funds under the Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, Gang Resistance Education and Training Program.

The City of Asheville has been awarded a grant under the Fiscal Year 1999 Gang Resistance Education and Training (G.R.E.A.T.) Grant Program in the amount of \$44,100.00. A local match of funds is not required. The purpose of the grant program is to fund the following three phases of G.R.E.A.T. education in the community:

Phase I: School-Based Education

Phase II: Summer Education/Recreation

Phase III: Parent Involvement Program

The specific implementation plan of the three phases has not yet been determined.

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City staff recommends that the City Council authorize the City Manager to accept the Grant Resistance Education and Training Grant from the Bureau of Alcohol, Tobacco and Firearms and to adopt the budget amendment appropriating said funds.

Amendment to Traffic Consultant Agreement

Summary: The consideration of increasing the contract price for work to be performed for City of Asheville area by Kubilins Traffic Consultants, Inc., consultant, to include reviews of Traffic Impact Analysis (TIA's), speed studies, stop sign warrants, etc. as requested by the City Engineer.

The City entered into a contract with Kubilins Traffic Consultants, Inc., to perform various traffic engineering analysis during the time the City was without a Traffic Engineer. The original contract was in the amount of \$20,000. Their services have proven to be extremely beneficial to the City of Asheville, in that they have been able to review TIA's very quickly, perform stop sign warrant analysis, and other traffic engineering tasks.

The City has hired a Traffic Engineer, Michael Moule, that began work on March 15, 1999. Staff would like to retain Kubilins Traffic Consultants to assist Mr. Moule in traffic engineering functions during his first six months of employment.

The funds for this amendment are in the Traffic Engineering Division's operating budget for professional services.

Staff recommends that the City Council accept this amendment to increase the contract with Kubilins Traffic Consultants, Inc. in the amount of \$20,000 and authorize the City Manager to execute all necessary documents for this contract.

Budget Amendment to Reallocate Unused Henderson County HOME funds to Transylvania County Housing Corporation

Summary: The consideration of a budget amendment, in the amount of \$36,529, to reallocate unused HOME funds from Henderson County to Transylvania County Housing Development Corporation.

On September 22, 1998 the City received a letter from David E. Nicholson, Henderson County Manager. It stated that Henderson County had no projects on which to use the Fiscal Year 1994 HOME funds and chose to return the funds to the Asheville Regional Housing Consortium for use on other regional projects. On December 9, 1998, the Asheville Regional Housing Consortium Board voted to reallocate the unused funds from Henderson County to Transylvania County Housing Development Corp. Transylvania County Housing Development Corp. has proposed to use these funds for new construction activities in a subdivision it is developing.

City staff recommends City Council adopt a budget ordinance amendment, in the amount of \$36,529, to reallocate unused HOME funds from Henderson County to Transylvania County Housing Development Corporation.

Establishing Fair Reuse Values for 135 Cherry Street and Parcel 59X on Asheland Avenue

Summary: The consideration of a resolution establishing fair reuse values for 135 Cherry Street and Disposal Parcel 59X in order to market the properties. -3-

Disposal Parcel 59X is located on the west side of Asheland Avenue about 400 feet north of Phifer Street and comprises 27,835 square feet. Terrain includes an elevated berm along the street, some level to gently sloping land behind the berm, and some moderately sloping land at the south end of the lot. The property is crossed by easements which occupy approximately 18.8% of the property thus severely restricting the utility of the land. The zoning is Office Business. The site is best suited for parking and/or possible small commercial building. Francis Naeger, MAI, appraised the site at \$139,000 and Joseph Moore, Certified General Appraiser, reviewed the appraisal and recommended the appraised value.

Disposal Parcel 6D is located at 135 Cherry Street fronting the Montford Avenue exit ramp from I-240. The lot comprising 6974 square feet is elevated above street grade and level to gently sloping. Improvements consist of a two story, frame, residential structure of 1,984 square feet being used as offices and seven paved and striped parking spaces. The zoning is Office. Richard Jacobs, MAI, appraised the property at \$105,000 and Benjamin Beasley, MAI,

reviewed the appraisal and recommended the appraised value.

Community Development staff recommends adoption of the resolution.

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.

SLIDE PRESENTATION BY THE TREE/GREENWAY COMMISSION

Mr. Peter Loewer and Dr. Peter Gentling, members of the Tree/Greenway Commission's Education Sub-Committee, viewed with City Council a short slide presentation to educate citizens about the role of trees in their community and about the positive role flora has in the community. They hoped that there will be a heightened awareness in the community that will provide positive benefits both today and in the future. Additionally, the Commission hopes to educate developers on the benefits of green space development and the positive impact on the public.

In summary, they urged City Council to thank about funding for City beautification and the need to save open spaces.

Mayor Sitnick was totally supportive of beautifying the City, however, we need to look for ways the community, public sector, private sector, organizations, churches, etc. can help to achieve this goal. She suggested we appeal to the development community and let them know the monetary and quality of life benefits from developing their property into an area that is nicely landscaped.

As a way to find funds for City beautification, Dr. Gentling suggested applying for funds from the Environmental Protection Agency or possibly a portion of the hotel/motel tax being earmarked for beautification. Mr. Loewer suggested developers who cut down trees should be assessed a large fine. He also felt that people who cut trees in the City should be licensed. Mr. Loewer also felt that when until the community sees that the City is making an effort to make developers and the N.C. Dept. of Transportation work to beautify their projects, businesses and foundations probably won't make much of an effort to help the City.

Councilman Cloninger agreed that the City needs to encourage more public/private partnership in the community. He suggested that there may need to be more enforcement on the City's landscape ordinance. But most importantly, encouraged the public to vote in favor of -4-

the upcoming Parks, Recreation and Greenways Bond referendum because there is a major component in the Bonds for open spaces.

Mayor Sitnick would like to see the City explore the Better America Bonds. She also encouraged City Council to adopt a new designation in the Unified Development Ordinance that would define parks or open spaces so that they are not zoned according to the area around them. She also felt that we should encourage public/private efforts so that everyone will be responsible for a little part of Asheville. She suggested this slide presentation or an extended version be shown at the various development forums hosted by the City of Asheville. She also suggested the slide program being shown on our new Government Channel and eventually on our Educational Channel.

Councilwoman Field noted that there are a lot of positive steps the City and Quality Forward is taking toward beautification.

Upon inquiry of Mayor Sitnick, Ms. Susan Roderick, Executive Director of Quality Forward, said that she would research some statistics on property values when the property is landscaped vs. when it is not.

On behalf of City Council, Mayor Sitnick thanked the Tree/Greenway Commission for all the time spend and the work they do on behalf of the entire City of Asheville.

FUTURE OF THE TRANSIT SYSTEM

Councilman Cloninger, liaison to the Asheville Transit Authority ("Authority"), said that during Council's retreat in January, City staff was instructed to devise a plan for the City to take back control of the bus system. As a result of that request, Chairman of the Asheville Transit Authority Tom Tomlin discussed with City Council the City Council's decision relative to the future of the transit system.

Mr. Tomlin noted that the Transit Authority has always had a good working relationship with City Council and City Council has been supportive of the Authority. He reviewed with Council the duties of the Authority, which include overseeing the management of the Management Company. Because the drivers of the buses are unionized, when problems arise, the Authority and the Management Company negotiate and the Management Company makes the offer to the union. If the Transit Authority were abolished, City Council would have to be the group to negotiate with the Management Company. Other advantages of the Authority is (1) they handle complaints; (2) they make recommendations to the Management Company about establishing fares and routes; and (3) they hold public hearings. He said that the Authority is vested with the general supervision and control of the transit system and feel that they have done a good job with their charge. He offered the suggestion of having a staff person that reports directly to the Transit Authority, opposed to the current arrangement of a transit planner who reports to the City. He also asked for the City's assistance in installing two phones at the Transit Center along with some "Do Not Enter" signs at the Transit Center. He spoke in support of leaving the relationship between the Authority and the City Council as it is now. However, if a change is anticipated, the Authority would recommend that City Council give up all control to the Authority and merely fund them annually.

Mr. Ron Lamb and Ms. Althea Goode, members of the Authority, both spoke in support of leaving the transit system as it currently is being operated.

Vice-Mayor Hay said that no one has suggested that the Authority has not been doing a good job, because they are. He said that City Council is talking about a reorganization to see how the City can do the best job with the transit system, and that would be taking back control of -5-

the transit system. He believed there would be a separate transit commission, similar to the Tree/Greenway Commission, to advise City Council on transit issues. He was convinced, however, that bringing the transit system back into City government is the best step for transit.

Councilman Tomes hoped that there will be an element of sensitivity when the City brings the transit system back into City government. He also felt there should be a regional commitment of trying to do more to get people from one point to another.

Councilman Cloninger said that the Authority and the City has the same goal - to provide public transportation to as many people in the community as possible, as economically and as efficiently as possible. He too said that if the City takes the system back in-house, they will need an advisory board that will give City Council recommendations. He praised the Authority members for their hard work.

Councilman Cobb agreed that City Council has an obligation to provide a wide range of services at the most economical price to our citizens. He said that we will need to look at the size buses we run and the hours the buses run. He agreed with Councilman Tomes about a regional system, perhaps with Buncombe County to start off.

Mayor Sitnick spoke in support of (1) buying buses that don't emit the fumes that harm our environment; (2)

using smaller vans or shuttles when the ridership is low; (3) looking at a regional concept; and (4) reviewing after-hour travel needs. She stated that we need to be advocating on a regular basis our state legislators to remind them that Asheville does exist and has needs.

Mr. Lamb responded to the Authority having looked into rearranging routes and also the type buses to buy.

Mr. Black responded to questions from Mayor Sitnick about the lack of heat at the Transit Center and why each bus stop does not have some type of protection from the elements.

At the request of Mayor Sitnick, Mr. Black was instructed to follow-up with the new owner of the Asheville Mall about allowing buses on the Asheville Mall property.

Mayor Sitnick thanked the Authority for their input into this matter.

AT-RISK YOUTH REPORT AND SUMMER YOUTH PROGRAM

Mr. Butch Kisiah, Superintendent of Recreation, said that the Parks and Recreation Department is currently developing a multi-faceted approach to providing recreational, educational and social services to youth at-risk.

In the United States, 75% of all crime is youth related. 93% of all youth crime happens during the hours of 3:00 p.m. and 8:00 p.m. In North Carolina, the average cost of incarcerating one youth offender is \$48,000. In Asheville, our youth are under a great deal of stress, at home, school and especially from their peers. A large part of our youth population are "latch key kids," who come home everyday to empty houses because their parents work. Youth today need to know there are places where they can go after school, on weekends and holidays that are both enjoyable and safe. Our youth need to have opportunities for self expression, esteem building and life skill education. Our youth need places where they can be with friends, be safe and have an adult presence to guide, support and nurture.

The following report is a brief update on how the Asheville Parks and Recreation Department is trying to meet this important community need. -6-

The vision statement for the At-Risk Youth Initiative strategically positions the Asheville Parks & Recreation Department to effectively contribute to alleviating societal problems with at-risk youth through prevention and intervention. The goal and objective is to provide alternatives to disruptive and deviant behavior by youth through a cooperative approach with law enforcement, social services and related agencies in Asheville. In today's situation (1) 75% of all crime in the United States is youth related; (2) 93% of all youth crime happens during the hours of 3:00 p.m. - 8:00 p.m.; and (3) the average cost of incarcerating a juvenile for one year in North Carolina \$48,000.

Reasons why the Parks & Recreation Department is trying to meet these needs is (1) Asheville's recreation centers are spread across the entire community and are therefore more accessible for youth; (2) recreation programs are inherently appealing to large segments of youth in general, including at-risk youth, and provide the incentive for positive interaction and participation; (3) Parks & Recreation personnel are experienced in establishing empathetic relationships with their clients; (4) Parks & Recreation facilities are meant to be safe, inviting, fun places that youth want to enjoy; and (6) Parks & Recreation programs and facilities provide a non-threatening environment for interaction.

What the Parks & Recreation Department is doing now includes: (1) Providing specific programming for teens from ages 13-19 - (a) Summer Teen Program; (b) Afternoon Adventures Program during the school days; and (c) Summer Teen Street Dances; (2) Working cooperatively with other agencies to provide alternative activities for teens - (a) joint Parks & Recreation Department and Police Department "Cruise In" Program; (b) joint Parks & Recreation Department, Police Department, and YMCA "High School Basketball League" with police officers as coaches; and (c) joint Parks & Recreation Department and YMCA "3 on 3 Basketball League" which are held on Friday nights outdoors during the summer; (3) Continue to support the youth "boot camp" program each summer in cooperation with the Police Department and the U.S. Marine Corp.; and (4) Increasing our ability to work with teens - (a) creating a professional staff position for Outdoor Adventure Programming.

He described the Outdoor Adventure Program: (1) in cooperation with the Daniel Boone Council of the Boy Scouts we will develop a "venture unit" for high adventure programming; (2) the venture program is specifically designed for young men and women ages 14-21; and (3) this will enable us to use the existing program curriculum of the Boy Scouts of America program and facilities such as Camp Daniel Boone. The Outdoor Adventure Program will provide opportunities for teens to experience the outdoors, i.e., develop outdoor adventure programming for teen leader groups which will include high ropes course to help develop self-esteem, low rope courses to help develop leadership and team building skills and "survival wilderness camping" to help develop self-esteem and self-confidence. The Outdoor Adventure Program will also provide other opportunities for teens to experience the outdoors, i.e., continued support for scouting programs in specific centers and field trips for leader groups to environmental education programs and facilities.

Mr. Kisiah described the teen leader group which will provide volunteer "counselors" for center activities with smaller children. A reward system will be developed so that participation in teen leader programs may result in awards such as parties, dances and trips. Also, each center will develop a teen leaders group for young men and women from ages 14-19 which will (1) provide guidance on programming for teens at the center; (2) provide assistance for other programs at the center; (3) work to get other teens involved in center programs; (4) plan activities and trips for teens; (5) build self-esteem; and (6) build teamwork.

He explained the Youth Employment Program in which the Parks & Recreation Department is working cooperatively with the Human Resources Department to re-engineer this program to (1) provide incentives for teen participation in leader groups; (2) provide career -7-

counseling and a variety of work experiences; (3) provide "real life" job seeking experience; (4) give teens jobs that require responsibility; and (5) give teens a chance to build self-esteem. Employment consideration criteria include (1) participation in teen programs at centers; (2) participation in the classroom at school; (3) letter of recommendation from school principle or teacher; (4) good behavior at school and at the center; (5) member of teen leader group, school sponsored activity group or church group. A teen who successfully participates in the "Workrelation" program will be invited to participate in future years. This successful participation will also be considered for future employment as a summer employee of the Parks & Recreation Department. This program will serve as an incentive for trying to do good, not as a reward for doing bad. Youth will work as real employees, going through the same selection process and have same expectations as other employees. During 1998, the Youth Employment Program employed 30 youth ages 14-18 in a variety of work experiences. Funding for this program is provided by City Council on an annual basis. Total funding for 1998 was \$100,000. A complete accounting of these funds will be presented at a later date. The youth worked a total of seven weeks during the summer and one week in the winter during the holiday school break. During the winter break the youth (1) assisted with First Night Festival and (2) received additional training in "real world" job training, employer expectations, how to prepare resumes, interviews, etc. What they are planning to do is recreation center enhancements. Those include (1) placing older computers in centers with appropriate software and printers to help with homework and (2) provide multi-media entertainment equipment in centers to entice teens to come to the center. Cable television hook-ups will be available to all recreation centers.

What the Parks & Recreation Department needs to do is develop the Operation Safe Haven Program. They will promote the recreation centers as places where a child can go if they feel threatened in any way. A place where they will be among people who really care for them as individuals and as members of the community, with a staff that will take care of them when they come in the door. Staff will encourage churches, neighborhood associations and individuals to open their doors and be safe havens for children. In addition, the Parks & Recreation Department will strive to (1) provide for additional operating hours at centers, including weekend hours; (2) provide for access to health care when the student health services at Asheville High and Asheville Middle school are closed in the summer; (3) continue to work with the Police Department to offer programs where teens can meet police officers in a fun setting; (4) provide transportation services for teens to get to and from programs and facilities utilizing the Transit Authority, City school buses, City vans and local bus companies; (5) provide "life skills" classes for teen in conjunction with other agencies, i.e., parenting, nutrition, personal hygiene, conflict resolution, stress management and financial management; and (6) enlist the help of local businesses and industry leaders to help teens, i.e., find out about jobs in the community, find out what it will take to get a good job, and visit offices, manufacturing plants and industrial centers.

Mr. Kisiah said that the At-Risk Initiative is not a single activity or event. It must be an ongoing collective of various programs which are flexible enough to meet the changing needs of our at-risk population. It is a cooperative venture in which we all have a part. Working together we can make a difference.

Mr. Kisiah responded to various question from Council, some being, but not limited to: the estimated size of the at-risk population in Asheville, what is the definition of at-risk youth, is there a system in place to track this program to see what works and what doesn't, are we adequately providing for both the male and female populations in our programs;

Councilwoman Field suggested Mr. Kisiah contact Mr. Rich Mathews to see about their computer recycling program.

Vice-Mayor Hay said that if the City were operating the buses, the Parks & Recreation Department would not have to spend money to transport children. -8-

Mayor Sitnick felt the program is terrific, but asked for staff to eliminate the words "at-risk" youth, noting that we do not want to put labels on anyone. City Manager Westbrook said that when grants are applied for, if you write them for "at-risk" youth, you probably have a better chance of receiving the grant than just saying it is for youth. He said that when appropriate, "at-risk" would not be used.

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.

CITYSCAPE COMMISSION

Ms. Hojun Welker, Urban Trail Coordinator, said that this is the consideration of creating a Cityscape Commission that is charged with consolidating and/or integrating the various programs of the City that are concerned with enhancing and improving the visual quality and aesthetic character of the City.

Cityscape is a term coined to describe the unique character of the City as expressed through its culture, built environment, natural environment, public art, open spaces, streets, people and neighborhoods. It could also be called the landscape or the visual character of the City. At present, the following commissions, committees and staff are involved with various aspects of enhancing or maintaining the City's aesthetic quality.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission has responsibility for administering the UDO and focuses on regulating private development. The proposed Cityscape Commission would focus on design review of public sector projects and the use of public property and rights-of-way and streamlining the design review portion of the UDO. It would also take the design element out of the strict regulatory environment to make it more of a development tool.

TREE AND GREENWAY COMMISSION: It was decided by City Council to split this Commission into two bodies with the Tree Commission residing in the Public Works Department and the Greenway Commission to be established in the Parks and Recreation Department. Although having a somewhat different focus than the other commissions, these commissions also have a very influential role in shaping the city's landscape and aesthetic character.

STREETSCAPE: In researching public art programs in other cities, it was found that the emerging trend in public art is to focus on making the city itself a work of art—stressing urban design and using art to enhance and/or create a "sense of place" or identity. The leading edge public art plans attempt to integrate public art and streetscape elements into the overall design of the city. Streetscape plans have also focused on urban design and creating livable, pedestrian-oriented cities with a strong visual identity. City Council has requested that policies and procedures be established to implement the *Downtown Streetscape Plan* adopted in 1993. That plan is being redesigned by the Public Works Department to be applicable to the whole city and to provide a framework for streetscape proposals included in the various area plans prepared by the Planning and Development Department. The Downtown Streetscape Committee of the Downtown Commission has served as an advisory group to this process, but lacks authority to address issues outside of the downtown and has limited authority to implement streetscape proposals within the downtown. The roles and responsibilities of both the Downtown Streetscape Committee and the Downtown Commission are currently under

evaluation.

DESIGN AND HISTORIC REVIEW: At present there are mandatory review, voluntary compliance for the downtown and river districts under two separate pieces of legislation, review processes, and review bodies. Different staff are assigned to each and are responsible for "Minor Works" review. "Major Works" review for the river district is by the River District Design -9-

Committee and for the Downtown by the Downtown Commission. The Downtown Commission is staffed by the City Development Division of the Planning and Development Department. In addition, there is a mandatory review and mandatory compliance process for 34 designated historic landmarks and three local historic districts (Albermarle Park, Biltmore Village, and Montford) administered by the Historic Resources Commission, under a separate legislative mandate. All of the staff involved are part of the Planning and Development Department.

PUBLIC ART: The City of Asheville, although listed as seventh in a national survey of favorite "art destination" cities of all sizes and ninth in terms of outstanding small town cultural centers, does not have a policy or program on public art. City Council at both its 1998 and 1999 retreats discussed the need for some sort of mechanism to deal with public art issues and to promote the installation of public art. The *Downtown Streetscape Plan* approved by City Council and the Cultural Arts Task Force of VISION, INC! both have recommended the establishment of a Public Art Commission. The Mayor has requested staff prepare a Public Art Policy. A Public Art Working Group, chaired by Council Member Barbara Field and staffed by the Streetscape and Urban Trail Coordinator, is working on developing a policy for consideration by City Council. Implementation of any sort of public art policy will require some sort of organizational structure and staff commitment. At present public art issues have been covered by the Parks and Recreation Advisory Board which does not see this as part of their mission. The city's one public art related project, the Urban Trail, is currently staffed in the Public Works Department.

All the above mentioned existing and proposed commissions and committees have somewhat unique missions and roles in enhancing the quality of life and protecting the unique character of Asheville. However, the way in which they are currently structured and staffed makes coordination difficult and creates confusion on the part of the consumer (citizen and developer).

Ms. Welker provided Council with a background sheet on the Cityscape Plan.

It was the consensus of City Council to direct staff to look into a concept, such as a Cityscape Commission, to act as an umbrella organization which would focus on public art, design review of public sector projects and the use of public property and rights-of-way.

1999 BELE CHERE BUDGET

Mr. Irby Brinson, Director of Parks and Recreation, said that the Parks and Recreation Advisory Board, Bele Chere Board, and Parks and Recreation Department staff are presenting the 1999 Bele Chere Budget for City Council approval.

This is a budget ordinance amendment appropriating revenue and expenditures for the 1999 Bele Chere Festival. This budget has been approved by the Parks and Recreation Advisory Board, Bele Chere Board, and Parks and Recreation staff. This request represents a balanced budget with appropriate revenue offsetting expenditures.

The Parks and Recreation Advisory Board, Bele Chere Board, and Parks and Recreation staff recommend City Council adopt the budget amendment to appropriate funds for 1999 Bele Chere Festival.

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.

ORDINANCE REQUIRING THE POSTING OF PRIVATE PARKING LOTS IN DOWNTOWN ASHEVILLE **-10-**

City Attorney Oast said that this is the consideration of an ordinance requiring that private parking lots in the downtown area be designated as private.

Council and staff have received complaints about enforcement of parking restrictions on private parking lots, primarily related to the towing of vehicles from those lots. Research indicates that local regulation of "motor private carriers with respect to the transportation of property" is pre-empted by federal law. This preemption has been held to apply to non-consensual towing of vehicles from private lots. The effect of the federal law is that cities may not adopt regulations affecting the manner in which privately initiated towing is carried out. To the extent that the federal government does not prohibit local regulation of towing, it appears that, in order for the City to do so, specific authorization would have to be found in State law.

Some North Carolina counties are subject to a law that requires posting of lots as a pre-condition for towing from those lots. Buncombe is not one of those counties. However, there appears to be general authority by which the City can require that private lots be so designated, and to provide that failure to comply subjects the offender (the owner or operator of the lot) to a civil fine. This does not mean that unauthorized vehicles parking in private lots may not be towed. However, it may reduce the level of inadvertent unauthorized parking, and thus reduce the number of non-consensual tows.

This application of this ordinance is limited to the Central Business District zone east of the French Broad River; we have had very few complaints from other areas of town.

He pointed out that if you are a private parking lot owner and you do not want to mind people parking in your private parking lot, you don't have to tow them. However, the private parking lot owner is still required to post the sign saying that if unauthorized cars do park there, they are doing so at their own risk.

The ordinance will become effective sixty days after adoption.

To the extent that this ordinance may help reduce the number of situations where non-consensual tows can occur, its adoption is recommended.

Vice-Mayor Hay said that he did not have a problem in his office parking lot and didn't want to go to the expense and time to put up a sign, especially when they do not want to have any vehicles towed. City Attorney Oast said that he would try to amend the ordinance as requested by Vice-Mayor Hay in order to limit the signage requirement to privately owned or privately leased parking lots for whom the owners want the privilege of towing.

City Attorney Oast suggested posting the signs at the entrance at a height where people are likely to see it. Councilman Cloninger responded that some businesses already have adequate signage that complies with the existing sign ordinance and he would be reluctant to have them go to the expense of having to put up additional signs at their entrance. City Attorney Oast said that he has exempted these particular signs from the sign ordinance but, he can amend the ordinance to read that if you already have a sign that complies with the existing sign ordinance, you don't have to comply with this ordinance.

Councilman Cobb said that he would like to see the City of Asheville being included in the list of entities that requires posting of lots as a pre-condition for towing from those lots.

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At the request of Councilwoman Field, City Attorney Oast said that he would amend the ordinance per Vice-Mayor Hay's request and send a copy to the Merchants Action Coalition and the Asheville Downtown Association to see if they have any concerns with the proposed ordinance. He said that after he receives their input, he will bring this back to Council for possible action.

REPORTS ON BOARD AND COMMISSION

Councilwoman Field said that there is a bill pending that requires anyone appointed to a local board or commission

must be a registered voter and a resident of North Carolina. She pointed out that if the bill passes, this will have to be checked before appointments to City boards or commissions are made.

Councilwoman Field noted that Mr. Scott Jarvis, Chair of the Asheville Downtown Commission, resigned and since the City Council appoints the Chair, she suggested that the Commission make a recommendation to City Council for that position.

At the request of Mayor Sitnick, City Attorney Oast said that he would prepare a resolution encouraging our state legislators to support House Bill 222, which strengthens the littering law by increasing the minimum and maximum fines for persons convicted of littering.

Mayor Sitnick pointed out that for any truck that goes into the County landfill that does not have a cover over their back load is subject to a \$50 fine. Also with regard to littering, she reminded citizens that the City has a law that you must keep the front, sides and back area clean around your home and business.

Mayor Sitnick reminded City Council and the public of the Great Asheville-Buncombe Clean-Up which kicks off March 25, 1999. She reviewed several clean-up efforts that will take place around the City and encouraged City Council and the public to come out and help clean-up Asheville and Buncombe County.

Mayor Sitnick said that she has a video that shows by computer animation the three routes of the I-26 Connector if any Council member would like to see it.

Mayor Sitnick said that she received an anonymous fax about escort services which were advertised in the Mountain Xpress. The fax accused the Mayor and Council of not caring about our children. She noted that both establishments are in Buncombe County and are not located within the City of Asheville.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 6:17 p.m.

CITY CLERK MAYOR
