

Friday - January 19, 2001

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City Council Annual Retreat Pine Crest Inn, Tryon, N.C.

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

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Update on Fiscal Year 2000-01 Goals and Objectives - City Council was updated on the Fiscal Year 2000-01 Goals and Objective. Updates included the Council priorities of sustainable economic development/smart growth, transportation, street and sidewalk maintenance, parks and recreation, status of projects from the additional 1-cent, common sense governance, and other strategic initiatives.

Budget/Financial Forecasts - City Council heard a review from Finance Director Bill Schaefer and Budget Director Ben Durant on the Fiscal Year 1999-2000 Fund Balance position, the Fiscal Year 2001-02 budget forecast and unfunded issues (which included Lake Craig and two fire stations).

Discussion surrounded the Five Year Capital Improvement Program for the Additional 1-Cent Proceeds. Councilwoman Bellamy asked to see more housing in the use of the funds. City Manager Westbrook said that he would bring this information back to Council at a worksession. Councilman Hay suggested we discuss with the County their proposed allocations.

Area of Consideration/Extension of Extraterritorial Jurisdiction (ETJ) and Expansion of Inspection and Permitting Service – Planning & Development Director Scott Shuford explained in detail the City's authority with regard to the expansion of the ETJ, as well as providing City services in the new ETJ. He explained that the purpose of an ETJ is to ensure orderly development and aiding future annexations. Asheville has a relatively small area outside our corporate boundaries that is covered by our ETJ and we only exercise zoning and subdivision review services within that area. The following City services are what we would like to offer in the ETJ: (1) Building Code review and inspections (no Minimum Housing Code services within the ETJ are proposed) – No General Fund impact; (2) periodic Fire Code enforcement – No General Fund impact; (3) erosion control, floodplain and stormwater management – No General Fund impact; (4) junked vehicle enforcement – Zoning fees will have to be increased to support added staffing; and (5) address assignment – No General Fund impact. With the use of a map, he proposed ETJ boundary expansion along entryway corridors, in areas where infrastructure expansion is planned or likely and in areas having a variety of land uses. Potential public concerns include new or higher service fees; new or more extensive requirements may increase building costs; County or fire districts may object to losing inspection fees or turf; and zoning and property rights issues. He felt the public concerns are outweighed by public safety considerations; ISO considerations; effectiveness of future annexation phases; consistency in review and inspections; and control of development pattern.

Upon direction of Mayor Sitnick, Mr. Shuford said that he will look into better enforcement of the requirement that all homes and businesses be numbered.

City Council requested additional information on the addition of ETJ services, but gave general direction to staff to bring back ETJ expansion proposals, in addition to proposals on expanding services where there was no direct financial impact on the City to do so.

Mr. Shuford explained that the benefit of adopting a resolution of consideration is that (1) after a one year period of having the resolution of consideration on record, there is no one year

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waiting period required between the adoption of ordinance and the effective date of the annexation; (2) the public will have a much better idea of future City annexation plans; and (3) the

City can approach annexation in a more comprehensive fashion, resulting in a more effective and efficient annexation program.

It was the consensus of City Council to instruct staff to proceed with future annexations using the area of consideration method and to bring back to Council the proper resolutions and maps to do so.

Litter Abatement on Certain State Maintained Roads - City Council was briefed on the current N.C. Dept. of Transportation's litter abatement efforts by Public Works Director Mark Combs. It was the consensus of City Council to instruct staff to begin negotiating a Municipal Agreement with the N.C. Dept. of Transportation (NC DOT) for the state to pay the City per lane mile to clean certain state roads within the City of Asheville.

Red Light Cameras – Police Chief Will Annarino briefed City Council on the use of traffic control photographic systems within the City limits to identify violations of traffic signals and speed limits. He used the Charlotte, N.C., program as a model for the presentation. The enabling legislation provides for "non-criminal, civil penalty" for violations detected by the traffic control system and no insurance points will be assigned to the owner or driver of the vehicle. The system operates 24/7; the camera records date, time and vehicle speed, elapsed time since the beginning of the red light; and photos are printed on citations and mailed to the owner within 48 hours of the violation. Crashes at dangerous intersections are likely to decline 25-50% while the severity of the remaining accidents will be reduced. Initially, many citations will be issued but will diminish as drivers begin to comply with traffic standards. Some revenue will be generated as a result of this program but the amount of revenue will be determined through contractual negotiations with the service provider. The provider of the service pays all costs associated with the program.

Councilwoman Bellamy did not support the use of this legislation as she feels it infringes on individual rights. She said that even though the person is breaking the law, they do have civil rights.

Councilman Peterson also did not support the City seeking this type of legislation because he was not comfortable with the "government watching."

City Attorney Oast said that the implementation of this matter requires approval by the General Assembly and that City Council will need to approve the legislative package first. He said that he would make sure it is noted that this does not have the unanimous support of City Council.

Legislative Issues - City Attorney Oast reviewed the past year's legislative successes in the General Assembly and discussed legislative interests to cities in which the General Assembly enacted in its 2000 session. He explained the following matters which City Council may wish to pursue, or continue pursuing: (1) non-betterment relocation costs; (2) traffic enforcement cameras; (3) hotel/food and beverage tax; additional sales tax; (4) conditional zoning; (5) suspension of bidding and contracting laws for public projects; and (6) smart growth initiatives. He also said that he is working with the N.C. League of Municipalities on some legislation to enable cities to regulate and impose fees for technology infrastructure installed in the right-of-way.

At 5:40 p.m., Councilwoman Bellamy and Councilman Peterson left the meeting (they returned the following morning at 8:30 a.m.). They submitted their comments on the legislative issues as follows: (1) Both support

the legislation for non-betterment costs for waterline

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relocation; (2) Both do not support the traffic enforcement cameras; (3) Councilwoman Bellamy would like additional information on the hotel food and beverage taxes and would like to see a

projection table of what the anticipated taxes would bring to Asheville and Councilman Peterson supports this legislation 100%, even if the City does not sign a contract with the NBA; (4) Councilwoman Bellamy supports the conditional zoning legislation and Councilman Peterson does not support this legislation without seeing and studying specific legislation; and (5) Councilman Peterson supports the suspension of bidding and contracting laws for public projects.

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#### Update on Street Resurfacing

Public Works Director Mark Combs updated City Council on the paving program, noting that the Fiscal Year 2000-01 budget total is \$1,200,000. He outlined the roads completed during the 2000 paving season along with the remaining resurfacing schedule, which has a target completion date of June 30, 2001.

#### Update on Traffic Calming

City Engineer Cathy Ball explained how the six areas for traffic calming (Wyoming Road, Wood Avenue, S. French Broad Avenue, Gracelyn Road, Florida Avenue and Caribou Road) are being moved through the project development process.

#### Update on Transit

Transit Services Director Bruce Black updated Council on the expanded service of the following five routes: Enka-Candler, Airport, Biltmore Square Mall, N.C. Arboretum and the UNC-Asheville downtown shuttle. A brief discussion was held about working with Wachovia Bank for a bus shelter in front of their business downtown, as well as shelter sponsors.

#### Update on Stormwater Regulations

City Engineer Cathy Ball updated City Council on the status of the development of the City's stormwater program, which must be submitted to the State on or before March 2003. The program must describe how the City will attempt to meet six minimum requirements: (1) Public Education/Outreach (approximately \$10 per year); (2) Public Participation/Involvement (approximately \$5,000 per year); (3) Illegal/Illicit Discharge Detection and Elimination (approximately \$50,000 per year); (4) Construction Site Runoff Construction (no additional cost); (5) Post-Construction Runoff Control (approximately \$5,000 per year); and (6) Pollution Prevention/Good Housekeeping Measures (approximately \$50,000 per year).

At the request of Mayor Sitnick, Ms. Call said that the City will continue to look at pervious materials and even possibly creating some incentives to urge the development community to use those materials.

City Council briefly discussed a Stormwater Master Plan, however, City Manager Westbrook noted that we would have to find some fee to pay for the project. Councilman Peterson suggested \$1 tacked onto the water bill because ultimately businesses will benefit from this.

#### Update on Diversification Efforts

Director of Human Resources Jeff Richardson reviewed the City's mission statement, reviewed the EEOC data from 1998 to 2001 and efforts in diversification and recruitment. From

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July 1, 1999 – January 1, 2001, the City has had a net loss of six white males, net gain of four white females, net gain of six African American males; net loss of three African American females

and a net gain of five other minorities. The City's workforce as of January 1, 2001, is 75% male, 25% female; 85% white and 15% minority. He noted that 47 employees have been hired in Police and Fire over the past 18 months – 51% of those hired have been non-white males. The City will continue to build and strengthen its diversity coalitions and efforts with other local entities and businesses in our area. In addition, the City will continue to seek out opportunities to identify minority employees who have an interest and show potential to be groomed into management positions. Increasing minority representation at the management and supervisory level is a priority.

Upon inquiry of Councilman Peterson, Mr. Richardson noted that there is a low turn-over rate in the professional positions; however, when vacancies occur, the City does look hard to increase its diversity.

#### Modernization of City Hall Elevators

Parks & Recreation Director Irby Brinson discussed the automation of the City Hall elevators, along with the history of the elevators. He outlined that staffing which consists of two full-time elevator operators, one part-time elevator operator and a partial salary of a supervisor. In addition, operating costs include a maintenance agreement (\$35,000 per year), uniforms and miscellaneous supplies – staffing and operating costs totaling \$118,936 annually. Concerns to be addressed are (1) maintenance costs; (2) parts and service; and (3) safety issues which include the mechanical room; leveling of floors; and the age and reliability of the current system.

Mr. Brinson proposed (1) replacing all 3 elevators with automated response; (2) microprocessor-based control system; (3) update to machine room equipment; (4) will keep the existing cars to protect the historic value of the elevators; (5) interior gates will be removed; and (6) retain the car operating panels for appearance only but they will not be operable. New emergency car lighting will be installed, along with a telephone cabinet and new hall buttons (but retain the hall position indicators).

The cost of automation, including the additional work required for control room upgrades, total \$638,540. Possible grant opportunities include a N.C. Energy grant up to \$500,000 and partnered with other energy efficiency measures outlined by Waste Reduction Partners.

Pros of the automation include (1) upgrade to more efficient and effective operations; (2) reduce safety concerns; (3) reduce maintenance costs; (4) computerized system for responsiveness; and (5) reduced overall cost of operations. Cons include: (1) historical operations changed; (2) personal relations factor of operators; and (3) public perception of change.

Vice-Mayor Cloninger noted that the directory on the First Floor needs to be more conspicuous. Councilman Peterson wondered if some type of information desk on the First Floor would be feasible. City Manager Westbrook responded that creative signage will alleviate that need.

Mayor Sitnick stated that the open vat of mercury on the 9<sup>th</sup> floor raised serious concerns regarding the current operation.

Councilman Peterson questioned if the change-over could be staggered so as not to have the big capital costs up front.

It was the consensus of City Council to proceed with implementing the upgrade of the City Hall elevators subject to funding in the upcoming budget and future years.

### Re-emphasis of Cultural Programming

Parks and Recreation Director Irby Brinson briefed Council on the progress to date on the enhancement of cultural programs. There was the establishment of the Public Art Board; the Urban Trail moved to Parks and Recreation; there is an agreement with, and support of, the YMI; and there has been work with various "arts" groups. He felt to achieve the goal of City Council with regard to cultural programming, he proposed (1) combining the vacant Public Art Administrator and Cultural Programs Supervisor positions into one and establish a Cultural Arts Superintendent position; (2) establishing a Cultural Arts Division; and (3) contracting with the Asheville Arts Council, which will help with direct assistance to community festivals and establish new events. He then did an analysis of the current costs (\$159,241) vs. the proposed change costs (\$138,342), showing a savings of \$20,899. He then outlined the benefits being (1) meets Council's goal of improving the quality of life and recognition of Asheville as a top arts destination; (2) increase focus on cultural arts both visual and performing; (3) cost savings of \$21,000; (4) coordination of efforts City-wide; and (5) continue relationship with the YMI.

Mayor Sitnick expressed an interest of establishing a Department of Cultural Affairs, which might include the Film Board, a Fine Arts Festival, the YMI, Public Art Board, etc.

Councilman Hay felt it might be more appropriate for the Film Board to fall into the Economic Development Division, not Cultural Affairs.

Vice-Mayor Cloninger, member of the Film Board, noted that there is a need to work with Buncombe County on a joint City/County Film Board.

Councilwoman Field noted that the City current has a lot of appearance boards (River District, Historic Resources Commission, Downtown Design, etc.) and felt it would be a good idea to try and combine them.

Upon inquiry of Councilwoman Bellamy, Budget Director Ben Durant said that the proposed Arts Council agreement for \$20,000, would be in addition to the current funding the Art Council receives from the City from it's outside agency request.

It was the consensus of City Council to proceed with staff's recommendations in the proposed budget. In addition, staff is to report back to Council on Film Board issues to include what they have done in the past year, what department the Film Board should be located in, the need for staffing, and proposed funding for staffing.

### Impact on the City of GASB 34 Financial Reporting Requirements

Finance Director Bill Schaefer explained that the Governmental Accounting Standards Board (GASB) Statement Number 34 is the new financial reporting model and the differences between what the City is currently using vs. this new reporting.

### City Council Goals

City Council assessed Asheville's current strengths: water quality; fire and police protection; low crime rate; vibrant downtown; increasing level of cultural and recreational activities; opportunities for seniors; staff; community oriented government; progress to date at the Civic Center; attractive community/air

quality/appealing community; growing arts community; higher level education infrastructure; diversity in kinds of people; use of smart growth model;

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addressing serious problems such as (a) streets and sidewalks; (b) parks and recreation; (c) affordable housing; and (d) Civic Center; willingness and capabilities of doing new and innovative programs; community of people defined differently; open government; spirituality of community;

staff creativity and innovation; strong non-profit base; inclusive strong community leadership; river running through community; own architectural style; City's commitment to the overall quality of life; mountains; strong volunteer and philanthropic community; and Airport.

City Council then assessed Asheville's current weaknesses: air quality; cost of housing; increased traffic congestion; increase achievement gap of Asheville High School; low graduation rate for minority students; lack of availability of qualified jobs; increasing number of 18-34 year olds leaving area; lack of MSD extension policy; lack of diversity on boards and commissions; under-utilization of commercially-zoned property; under-utilization of high tech industry; need to provide special education for high tech industry jobs; relying too heavily on property taxes that benefit the entire community beyond the City limits; need to have users pay for services; slow growth rate in property tax base; lack of community consensus on growth issues; small amount of developable land; challenges in terrain; non-profits own a lot of land; City/County government relations; lack of industrial sites; public demand for better streets and sidewalks; Civic Center is an outdated facility; high operating deficit at Civic Center; Raleigh connection; aging infrastructure; wage level; perception of Asheville from within and from outside; water agreement; sewer agreement; environmental challenges; revenue streams; burden on Asheville taxpayer to pick up on so many things; Authorities (Water, Sewer, Airport); dilemma of not being able to say enough is enough pertaining to growth issues; air service, and litter.

City Council then discussed Asheville's future opportunities: lobby and financial support of passenger rail service to Asheville; Buncombe County's support of efforts regarding the Civic Center; number of tourists that visit Asheville; increase number of technology based companies; keeping the N.C. Dept. of Transportation on time with the I-26 Project; revitalize the River District; innovatively solve affordable housing problems; lasting effect on community to renovate or build a new Civic Center; Civic Center/planning/NBDL; Pack Square Renaissance movement; arts community; attracting new high tech industry; re-dedicate a commitment to "the Block", WECAN and Haywood Road neighborhoods; increase funding/enforcement efforts to eliminate litter on poles and on our streets; Smart Growth Commission in Raleigh; and new revenue sources.

City Council then discussed potential challenges to Asheville's success: revenue streams; public and delegation support of tax increases; keeping Asheville clean; meeting traffic calming needs of all neighborhoods; affect of re-districting; funding of infrastructure demand by growth; develop a sense of Asheville as a greater community; creating effective public/private initiatives; cooperation between governmental units; better public relations for our own City; impact of ultimate I-26 construction; and paying non-betterment costs of N. C. Dept. of Transportation projects.

City Council tentatively agreed upon the following Fiscal Year 2001-02 Goals:

- 1) Enhance the City's available fund balance to maintain City's good financial condition (review of fiscal policy)
- 2) Establish a clean Asheville

3) Decide whether to repair or replace the Civic Center and develop funding strategies (work with community leaders and delegation to find funding sources that don't over-burden City taxpayers)

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4) Promote long-term planning and smart growth development pattern (continue or expand ETJ and annexation process, investigate new tools for downtown development)

5) Promote economic development (implementation of smart growth policies through better utilization of existing areas)

6) Reduce the City's reliance on the property tax base by identifying new and alternative revenue sources which do not over-burden City taxpayers

7) Establish or improve relationships with state government

8) Address traffic issues including traffic flow, safety, etc.

Some other issues were discussed as follows:

1) Common Sense Government (continue to better use the government channel, utilize new camera for infomercials on issues for a better informed public, utilize media and develop speakers program)

2) Find a way to sell Asheville souvenirs (place, staffing)

3) Establish a policy procedure that if we appoint a member to the Airport Authority, Water Authority, MSD, etc., in their official Council capacity, that if they do not get re-elected, they get replaced by someone else

4) Non-toxic control for sidewalk needs

5) Kiosks for neighborhoods

6) Include public restrooms as we build downtown decks

7) Hope for City Council to support and attend a local green building roundtable

Mayor Sitnick adjourned the meeting at 4:47 p.m.

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CITY CLERK MAYOR

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