

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 R. 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:

Reimbursement of Expenses related to the Battery Park Parking Deck

Summary: The consideration of a resolution declaring the intent of the City to reimburse itself for capital expenditures incurred in connection with the acquisition and construction of a parking facility in the vicinity of Battery Park from the proceeds of financing.

City Council has previously directed staff to initiate action to obtain options to acquire land, retain real property and financial advisors, and contract for the design of a parking deck in the vicinity of Battery Park. City Council has also previously passed budget amendments authorizing expenditures for the project, with the supporting revenues to be provided from the proceeds of a Certificates of Participation (COPs) issue. The current project schedule calls for the COPs to be issued in the spring of 2003. However, some project expenses have already been incurred. U.S. Treasury regulations require that, if the City intends to reimburse itself from the proceeds of a tax exempt financing for certain project expenses, which were paid prior to the closing date of the financing, it must adopt a resolution evidencing that intent. The resolution of intent may cover expenses paid by the City during the period beginning sixty days prior to adoption of the resolution of intent and ending on the day of issue of the financing. The resolution indicates the City's intent to reimburse itself accordingly.

City staff recommends Council adopt the resolution.

Upon Vice-Mayor Bellamy, Finance Director Bill Schaefer said that he would provide City Council with more information on what the eligible expenses are for reimbursement from the financing.

Mayor Worley 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.

DOMESTIC VIOLENCE

Pursuant to a request from Councilwoman Jones, Police Chief Annarino said that N. C. General Statute sec. 50-B specifically directs law enforcement in North Carolina to "Protect the Victim" in any situation where domestic violence has occurred or is suspected.

Consistent with State Law, the Asheville Police Department responds to and investigates all domestic violence related offenses occurring within the corporate boundaries of the City of Asheville and maintains statistical data relating to such occurrences.

Police Department procedures in handling reported domestic violence cases are guided by written department policy and reinforced through yearly in-service training. The department maintains a "pro-arrest" policy and works closely with local referral agencies and the District Attorney's office to ensure the prosecution of offenders.

-2-

Police Chief Annarino then reviewed with Council reported domestic assaults, rape incident reports, and simple and aggravated assaults from 1998 to 2002.

Police Chief Annarino responded to various questions/comments from Council, some being but are not limited to: are sexual assaults being reported; is there any reasons why there has been an increase in sexual assaults; is there any correlation in violent crimes and the down-turn of the economy; where do most sexual assaults occur; and is there any reasons why 2000 crimes were high.

Upon inquiry of Vice-Mayor Bellamy, Police Chief Annarino said that he would provide City Council with additional information specifically regarding the downtown vs. citywide. He also noted that Helpmate is a very important agency that provides the Police Department with suggestions and ideas on an on-going basis and also with their overall review of their domestic violence policy.

Councilwoman Jones said that we need to help support the Asheville Police Department, who is working closely with Helpmate, in this most important issue. She noted that a lot of the harassment against women is not necessarily by panhandlers, but people in cars.

Vice-Mayor Bellamy said that the City needs to promote neighborhood block grants so neighbors get to know each other. She felt we needed to look at what can be done now to eliminate crime in the future, e.g., investing more in our children and in our schools. She felt that Council needed to be updated on this public safety issue, similar to the updates they receive on the Unified Development Ordinance.

Councilman Dunn explained that the City needs to hire more police officers to be able to provide the police presence.

UDO AMENDMENT REVIEW

City Attorney Oast said that this Unified Development Ordinance amendment is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearing, which have been scheduled on February 25, 2003. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Adding Research & Technology Production as a Permitted Use in Certain Commercial Districts

Planning & Development Director Scott Shuford said that this is the consideration of an ordinance to amend the Unified Development Ordinance (UDO) to add research and technology production as a permitted use in certain commercial districts.

This code amendment defines "research and technology production uses" and permits them in the Community Business II District, Institutional District, Highway Business District, Regional Business District, Central Business District, Commercial Industrial District and Industrial Districts. Once defined, the uses would be permitted in the River District as well. These uses are the "high tech" uses that form the backbone of our local economic development strategy.

This item was previously heard by the Planning and Zoning Commission and recommended for approval. At a City Council meeting, staff was asked to research environmental hazards concerns associated with the research and technology production uses and return the amendment for consideration. This research reveals that environmental concerns associated with the intended uses are effectively handled through existing environmental permitting procedures. There are extensive environmental permitting procedures that pertain to

-3-

medical wastes and by-products from the types of uses proposed in this amendment; for some chemicals, this permitting involves "cradle-to-grave" tracking (i.e., from time of production to time of disposal).

On January 23, 2003, the Planning and Zoning Commission recommended approval of the proposed code amendment by a vote of 5-0. City staff recommends approval of the proposed code amendment as well.

Upon inquiry of Vice-Mayor Bellamy, City Attorney Oast said that cloning is a use that might be allowed within this district, but Asheville's chances of us getting any kind of a cloning operation here is remote. He felt that there would be State laws that would apply to Asheville generally. Vice-Mayor Bellamy requested more information on any legal rights the Council would have if a cloning operation were to locate in Asheville.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this public hearing on the February 25, 2003, formal City Council agenda.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 3:40 p.m.

CITY CLERK

MAYOR