

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

Mayor Worley announced that the Update on the Minimum Housing Code would be delayed until the Tuesday, July 15, 2003, worksession.

BUDGET WORKSESSION

- City Council discussed the 2003-04 Annual Operating Budget.

At 4:10 p.m., Mayor Worley announced a short recess.

CONSENT AGENDA:

Community Meeting on July 29, 2003, in South Asheville

Public Hearing Set for July 8, 2003, for Phenix Research's Economic Development Incentive Grant

Summary: The consideration of a resolution setting a public hearing on July 8, 2003, for an economic development incentive grant to Phenix Research Products, a company relocating to Asheville from California.

Phenix Research Products, formerly of Hayward, California, is relocating to Asheville. The company is setting up its corporate headquarters and distribution functions in offices located in the Business Incubator on the Enka campus of AB Tech – a primary factor in their decision to locate here. The firm is a supplier to the biotech and university market offering a range of equipment and instrumentation. The firm intends to employ approximately 45 people over the next two years.

The Asheville location was selected after consideration of other competitive locations. As part of the recruitment process, the City of Asheville made a tentative commitment to support the project with an incentive grant in the amount of \$20,000, which is part of a total local incentive package of \$50,000 made in partnership with Buncombe County, AdvantageWest, and the Asheville Chamber of Commerce.

Before the tentative commitment by the City can be officially granted, a public hearing is required.

Staff recommends Council approve the resolution setting a public hearing on July 8, 2003, for an economic development incentive grant to Phenix Research Products.

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.

-2-

2003 SAUMUR INTERNATIONAL CONGRESS

- Ms. Barbara Hodgson, Saumur Committee Chair, said that Asheville's Sister City Saumur, France, is hosting the first International Congress October 4-8, 2003 and has invited Asheville and their twin cities in Europe to participate. She outlined the purpose of the Conference and the planned activities.

Mr. Carroll Hughes, President of Asheville Sister Cities, recommended the City and the Chamber of Commerce assist them in developing a display for the Saumur exhibit. They felt it was an opportunity to further develop the information in existence with Asheville Sister Cities being responsible for transporting, setting up and maintaining the display in the future.

Mr. Ken Richards, North Carolina Coordinator for Sister Cities International, and Mr. Daniel Robert, member of the

Asheville Sister Cities, urged Council to attend the Conference in Saumur, France, and thanked City Council for their support.

NEIGHBORHOOD/DEVELOPER MEETINGS

Planning & Development Director Scott Shuford said that based on City Council's considerable interest in improving developer and neighborhood communication early in the development review and approval process, City staff undertook a focus group process to identify issues and potential solutions in enhancing the existing "neighborhood meeting" approach. Three separate focus groups were convened. One group represented developer interests; one group represented neighborhood interests; and the third group consisted of the Planning and Zoning Commission. After each group had met and a list of critical issues was determined, selected members from each group then met together on two occasions to identify areas of agreement and to prepare recommendations for action. An independent facilitator was used to direct meeting discussion and provide minutes.

He reported that the focus group process has resulted in a recommended procedure for improved Neighborhood/Developer Meetings. The procedure includes an incentive for developers to choose the Neighborhood/Developer Meeting process over the standard review process. It includes an opportunity for expanded notification of property owners in the vicinity of the proposed development. Finally, it includes an organized approach for the conduct of Neighborhood/Developer Meetings that should result in the meetings to be conducted in an effective fashion. The goal of this procedure change is an early, friendly, helpful official partnership between the neighbors, developers and the City.

In summary, the proposal would apply to all rezoning, conditional use rezoning, and conditional use permit requests that involve Planning and Zoning Commission review. The proposed procedure offers developers the option of selecting an enhanced Neighborhood/Developer Meeting process in exchange for skipping the Planning and Zoning Commission step in our current requirements. This results in no additional time being taken in the development review process but creates significantly improved communication between developers and neighborhoods. City Council would continue to hold a public hearing and take final action on all development proposals, just as is done under the current requirements. Even when developers opt to follow the existing procedures, staff will continue to recommend developer contact with affected neighborhoods.

This recommendation would not have been possible without the dedication of time, creative ideas, and enthusiasm on the part of a large number of volunteers. I would like to thank the following persons for their assistance in creating this recommendation:

-3-

FOCUS GROUP PARTICIPANTS

Neighborhood Participants

*Barber Melton
*Headlee Howard
*Greg Gregory
*Mike Lewis
John Quigley
Norma Baynes
Stephen Hudzik

Developer Participants

*George Morosani
*Tom Gallaher/David Hill
*John Spake
Chris Eller
Harry Weiss
Jerry Grant
Ron Butler
Ron Moser

Planning & Zoning Commission

*Billie Buie
*Tom Cathey
*Selina Sullivan
Jan Davis
Hedy Fischer
Nate Cannady
Rod Hudgins

* Indicates that the participant served on the final joint focus group.

Additionally, Paul Godfrey provided invaluable assistance by serving as the facilitator for these focus group meetings.

The following headings provide a summary of the work of these focus groups, including the clarification of key issues, identification of expected results (i.e., what the process should look like), and the specific meeting procedures themselves. These headings illustrate the organized way the groups conducted their business and the level of detail that went into their discussions.

Clarifying Issues and Interests

The following items were listed as major issues relating to Neighborhood/Developer Meetings:

- Misinformation
- Full plan details made available to all parties early in the process
- Lack of trust
- Early and accurate complete information sharing
- Clearly definition of neighborhood stakeholders
- Marketing of development process – common understanding of issues and procedures
- Lack of an on-going dialogue as the development process continues (even after development approval has been given and construction is underway)
- Neighbors don't understand technical aspects of the development process
- Need for a better Neighborhood/Developer Meeting process – ground rules; expectations; facilitation
- Need for citizens to be better educated about the development process
- Lack of understanding about the big picture – how does the project help the City meet its broader goals?
- Need for staff participation in Neighborhood/Developer Meetings
- No existing way to alert and document all impacted stakeholders
- Lack of willingness to compromise on each “side”

The following were identified as the key interests of the stakeholder groups:

- Neighbor concerns: Safety; property values; traffic; change in neighborhood character

-4-

- Developer concerns: Profit; property rights; desire to impact community in a positive way; need for clearly defined neighborhood meeting process that is reasonable in terms of time and money; staff involvement in neighborhood meetings for informational purposes and to indicate that the process is officially “condoned” by the City.
- Staff concerns: Time involved in meetings; need to be perceived as neutral in the process.

Criteria for Guiding Process Decisions

Participants were asked to develop a set of criteria for use in evaluating any potential process ideas. The following criteria were developed:

- The process must have teeth.
- The process should be viewed as legitimate in eyes of all participants.
- The process should not be burdensome on any one party or on all parties.
- The process should clarify upfront what is and what is not negotiable.
- The process should be reasonable in terms of time and costs.

Improved Neighborhood/Developer Meeting Procedures

Participants identified the following procedures for improved Neighborhood/Developer Meetings:

- Developer registers project application a minimum of 45 days before the City Council meeting at which the public hearing is scheduled to occur.
 - Plans are placed on record and made available to the public at a central location (City Planning and Development Department).
 - Plans will provide as much information as available at time of posting.
 - Plans will be made available on City website if possible.
 - Staff contact person is clearly identified.
- Notification procedures:
 - Property owners within 400 feet of the property proposed for development would receive notice of the Neighborhood/Developer Meeting from the City of Asheville. This is a minimum notification area and developers are advised to determine if additional property owners should be notified (e.g., if the project is located on a dead-end road 600 feet long, perhaps it would be good practice for the developer to notify all property owners fronting the road); developers would be responsible for any additional mailing costs associated with a larger notice area.
 - Any affected neighborhood association registered with the City and located within 400 feet of the property proposed for development would also receive notice of the Neighborhood/Developer Meeting. It is expected that the designated person(s) receiving this notice will identify key participants outside the general notice area and arrange for them to attend the Neighborhood/Developer Meeting. However, this should not be construed as an open invitation for all

neighborhood association members outside the notice area to attend. The intent is to have representation from affected neighborhood associations while ensuring that most neighborhood participants are from the notice area.

- Timing: The City shall mail Neighborhood/Developer Meeting notices 45 days before the City Council meeting at which the public hearing is scheduled to occur. The initial Neighborhood/Developer Meeting shall occur no less than 10 days prior to the City Council meeting at which the public hearing is scheduled to occur.

-5-

- The City of Asheville will provide notice of the public hearing to adjacent and nearby property owners as provided for under state law or City Code requirements, whichever is more restrictive.
- Meeting location: Neutral site of sufficient size for meeting.
- Meeting Facilitation - The meeting must be managed by someone who knows the rules (mediator/facilitator) and is able to effectively run a meeting. The developer will pay for the cost of the mediator/facilitator. City staff will attend the meeting as technical advisor(s) only and will not facilitate the meeting.
- Meeting Ground Rules - The following set of ground rules were adopted to promote effective communication during Neighborhood/Developer Meetings. These ground rules would be reviewed by the meeting facilitator at the outset of each meeting and “enforced” during the meeting by the facilitator.
 - Listen to one another (really listen before responding)
 - Ask for feedback from one another
 - Accept the need for compromise by each of us
 - No stereotyping (let's keep a level of objectivity in our discussions)
 - Be open minded
 - Let's clearly define our statements to insure that all parties clearly understand their meaning
- Conduct of Meeting – Meetings will have a structured agenda to include: Ground rules for the meeting; Areas of allowable discussion clarified; Clarification of any zoning rule(s) that applies to the situation; Plan presentation (including how plan addresses the big picture); Identification of areas of agreement and disagreement; Negotiation of issues of concern; and Identification of next steps, if any.
 - City staff must attend the meeting to provide technical advice and information and to indicate official “condoning” of the process.
 - Meeting is intended to result in a signed document of supported and non-supported issues that will be generated by the facilitator (who will also identify the necessary signees).

He asked for Council direction as to whether staff should prepare the necessary code amendments, information packets, and process changes to implement this new procedure.

Coalition of Asheville Neighborhood Chair Barber Melton explained the process and how it will help in the mistrust in the community.

Councilman Mumpower felt that a trial period might be in our best interest. Mr. Shuford said that he could write into the Code amendment a sunset date.

When Councilman Mumpower said this sounds like a mandatory process for the developer with a voluntary process for the neighborhoods, Mr. Shuford explained that the goal is to encourage better communication and facilitation of the development process between developers and neighborhoods.

At the request of Councilman Mumpower, Mr. Shuford said that he would provide City Council with what he would think their responsibilities would be and possible options in this process. In addition, he would have the focus group review the proposed Code amendment.

There was a brief discussion, initiated by Councilman Peterson, on if this process would affect the protest petition provisions.

-6-

Councilman Peterson felt that we need to educate people at these meetings and suggested information regarding protest petitions and the standards City Council must consider when issuing a conditional use permit be included in the information packet.

It was the consensus of Council to direct City staff to prepare the necessary code amendments, information packets, and process changes to implement this new procedure.

BOARDS & COMMISSIONS

Mayor Worley and Vice-Mayor Bellamy each spoke about the tireless efforts for improving air quality that Mr. Arlis Queen, who had to resign from the Regional Air Quality Agency Board due to health reasons, brought to the Board. In addition, City Council instructed the City Clerk to arrange interviews for Mr. Queen's vacancy on the WNC Regional Air Quality Agency Board.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to reappoint Peter Crosa, Jerri Goldberg and Lisa Michie to the Civic Center Commission. In addition, City Council asked the City Clerk to arrange interviews for two vacancies on the Commission.

It was the recommendation of the Boards & Commissions Committee, and consensus of City Council, to not reduce the membership of the Civic Center Commission.

It was the consensus of City Council to postpone making appointments to the Economic Development Strategic Plan Implementation Task Force until the Task Force makes its recommendations in July, 2003.

It was the recommendation of the Boards & Commissions Committee, and consensus of City Council, to reduce the membership of the Educational Access Channel Commission from four years to three years.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to reappoint Marion Mathews, Nat Myers, Tim Amos (City Schools), Alan Hantz (UNC-A) and Shirley McLaughlin (A-B Tech) and to appoint Monty Fuchs (County Schools) to the Educational Access Channel Commission. In addition, it was the consensus of City Council to designate Kent Thompson (UNC-A seat) to serve in the absence of Greg Dillingham (UNC-A seat) until Mr. Dillingham's return from military duty.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to reappoint Frank Fishburne, Carol Ann Pothier, James Grant and Susan Sparboe to the Recreation Board.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to appoint Darryl Hart to the Regional Water Authority of Asheville, Buncombe and Henderson.

It was the recommendation of the Boards & Commissions Committee to not appoint an oversight board regarding animal control services. However, Councilwoman Jones asked that City Council receive an interim report in three months and a full report in six months.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 5:20 p.m.

CITY CLERK

MAYOR