

Regular Meeting

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

PLEDGE OF ALLEGIANCE

U.S. Army Veteran Walter Plaue led City Council in the Pledge of Allegiance.

INVOCATION

Vice-Mayor Bellamy gave the invocation.

I. PROCLAMATIONS:

II. CONSENT:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 24, 2003**
- B. RESOLUTION NO. 03-112 - RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT REGARDING ENTERING INTO A LEASE WITH THE MEN'S GARDEN CLUB OF ASHEVILLE FOR ½ ACRE ON AZALEA ROAD**

Summary: The consideration of a resolution directing the City Clerk to publish a Notice of Intent regarding a proposed lease with the Men's Garden Club of Asheville (MGCA) for 1/2 acre of land on Azalea Road.

The 1/2 acre on Azalea Road is a portion of the property acquired by the City of Asheville from John Moyer. The City previously leased the space to the MGCA for one year from November 1, 2001, to October 1, 2002.

The MGCA has offered to enter into a nine (9) year lease for the space where it currently has constructed a greenhouse and appurtenant facilities at a rent of \$750.00 per year payable in goods and services. The proposed lease will enable MGCA to continue operating the greenhouse facility in its current location. The lease may be terminated by either party upon 60 days written notice.

Approval of the resolution will authorize the City Clerk to publish a Notice of Intent to enter into the Lease.

The Parks and Recreation Department and Planning & Development Department staff recommend adoption of the resolution.

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- C. RESOLUTION NO. 03-113 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF REAL PROPERTY AT THE INTERSECTION OF ERSKINE AND LIVINGSTON STREETS FROM THE HOUSING AUTHORITY**

Summary: The consideration of a resolution authorizing the Mayor to accept a donation of real property at the intersection of Erskine and Livingston Streets from the Housing Authority of the City of Asheville for the City of Asheville parks system.

Erskine Street Park consists of 0.429 acre of land improved with children's playground equipment located at the intersection of Erskine and Livingston Streets. Jointly developed by the City and the Housing Authority, the land is owned by the Housing Authority and the improvements were funded by the City using a Community Development grant. In 1998 the park was designated Herbert J. Watts Park in honor of a former City Councilman and retired City Police Officer

The Housing Authority has proposed to donate the park to the City because the City is better equipped to provide the long-term management and maintenance of the park.

Parks and Recreation staff have reviewed the proposed donation and found that the property is appropriate for incorporating into the City's park system.

City staff recommends City Council adopt the resolution authorizing the Mayor to accept the donation of real property from the Housing Authority.

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D. RESOLUTION NO. 03-114 - RESOLUTION CONFIRMING THE APPOINTMENT OF LATRETTA HIGGINS AS THE REPRESENTATIVE OF THE COUNCIL OF INDEPENDENT BUSINESS OWNERS ON THE MINORITY BUSINESS COMMISSION

Summary: The consideration of a resolution confirming the appointment of a member of the Minority Business Commission.

On May 26, 1998, City Council adopted Resolution No. 98-63 adopting a City-County Minority Business Plan.

The Minority Business Commission consists of 11 members, 9 of whom are nominated by various groups and two (2) of who are minority business owners nominated by the Minority Business Commission. All nominees are considered and appointed by both the City Council and County Board of Commissioners.

Ms. Latrella Higgins has been named by the Council of Independent Business Owners to represent them on the Minority Business Commission. Ms. Higgins has been nominated to fill the position left vacant by Ms. Vonna Cloninger who resigned effective July 1, 2003. Ms. Higgins' term will run through August 2004 to complete the current term of Ms. Cloninger.

City staff recommends City Council adopt the resolution confirming the appointments of a member of the Minority Business Commission.

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Mayor Worley said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

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Vice-Mayor Bellamy moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Jones and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO PHENIX RESEARCH PRODUCTS

RESOLUTION NO. 03-115 - RESOLUTION TO OFFER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO PHENIX RESEARCH PRODUCTS

Mayor Worley opened the public hearing at 5:08 p.m.

Economic Development Director Mac Williams said that this is the consideration of a resolution offering an economic development incentive grant to Phenix Research Products, a company relocating to Asheville from California. This public hearing was advertised on June 27 and July 4, 2003.

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 40 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 authorizing an economic development incentive grant to Phenix Research Products.

Mr. Greg Schultz, President of Phenix Research Products, briefed Council on the background of his company and gave to Council material regarding his company. He spoke about how pleased he was to move to Asheville and how they hoped to fill the facility with other biotech companies.

Upon inquiry of Mr. Walter Plaue, Mayor Worley explained the terms of the incentive grant.

Councilman Ellis explained that the grant is not a cash payout.

City Manager Westbrook also added that the agreement states that the company will employ 14 people with salaries of not less than \$25,000 per year.

Mayor Worley closed the public hearing at 5:15 p.m.

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Councilman Dunn spoke about how pleased he was that this company was taking a chance on Asheville. He spoke about how the Council is working hard to recruit businesses to our area.

Vice-Mayor Bellamy agreed with Councilman Dunn noting that the City is working with other community partners to support the initiatives of bring economic development to our area.

City Attorney Oast said that the economic development incentive grants are not reductions in taxes. We use the amount of property taxes paid as one of the factors in determining the amount of the grant.

Mayor Worley said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Ellis moved for the adoption of Resolution No. 03-115. This motion was seconded by Councilman Dunn and carried unanimously.

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IV. UNFINISHED BUSINESS:

A. ASHEVILLE CITY PLAN 2025

Mayor Worley said that the public hearing on the Asheville City Plan 2025 was held on April 22, 2003, at which time City Council listened carefully to all the public comments. It was the consensus of City Council to then study the plan carefully, taking into consideration the comments. At that meeting it was then determined that at a future date undetermined City Council would consider adoption of the plan.

Planning & Development Director Scott Shuford said that since City Council cancelled its first worksession in July and, with the rescheduling of the consideration of the Minimum Housing Code to later in July, the opportunities for discussing the draft Asheville City Plan 2025 in July were scarce. Since the July 8 formal Council meeting was relatively "light" due to rescheduling the Minimum Housing Code from this meeting, he was taking this opportunity to get some additional feedback on the Plan from Council prior to bringing a final draft forward for consideration.

As previously suggested by the Mayor, staff is interested in hearing each of Council's five most significant concerns about the Plan so that we can make any changes necessary to move it forward. We are seeing an increasing amount of development

activity, ranging from the final permitting of the Sayles Wal-Mart to a large number of other fair-sized projects. Consequently, we need to get the Plan revision and final consideration to Council so that we can concentrate on these projects.

This will be a listening opportunity for staff – we want to hear Council's concerns so we can get the Plan in order for your final consideration in possibly August or September.

Councilman Ellis thanked the hundreds of citizens that spent thousands of hours helping to put this document together. This 400+ page document is a great guide for what might happen in the next 22 years. It is a guideline and not something set in concrete. It is a culmination of the thoughts of hundreds of people. He felt it was an excellent document and would support adoption of the Plan when appropriate.

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Vice-Mayor Bellamy read that successful city plans create long-term community value. She said this Plan is for 22 years and wondered what the average life of a plan like this is. Mr. Shuford responded that the average life of a plan is around 10-25 years. We were following the concept of the 2010 Plan when we set the timeframe. In addition, we also felt this was a good timeframe to be looking at because the first land use plan for the City was adopted in 1925. The 100-year mark was to be reflected in the name of the Plan as well as the timeframe involved in it.

Vice-Mayor Bellamy noted that a comment from the Plan from Max Haner, former Chair of the Planning & Zoning Commission, states that after adoption of the 2010 Plan, 15 years later they were ready to get rid of that and move on. She wanted to make sure that we are not looking too far out with the 22 years. She wondered if it should be the 2015 Plan. Mr. Shuford responded that we do anticipate there being multiple amendments to this Plan between now and 2025. The Plan is intended to be updated on a regular basis. One of the faults of the 2010 Plan was that it was updated after the first two years, but then not updated since 1989. A lot has been changed since then. In 1996 there were amendments to create the Unified Development Ordinance and the City-wide rezoning made great changes to the 2010 Plan and the Plan was never amended to reflect those changes. Staff will do a better job of bringing the amendments forward. That is one reason why we have an implementation matrix in the Plan so that we can give Council a frequent report on how well we're doing in implementing the Plan and meeting the deadlines and guidelines that Council has established.

Vice-Mayor Bellamy said that there are no benchmarks in the matrix to say that at this five year point this will be established, or at the ten year mark, this will be established. The goals and the strategies outlined could last the entire 22 years and then we won't technically know if they were actually met. She felt it would be good to have benchmarks and some time periods to measure the strategies to see if we're successful. This is one of the most valuable components missing. Mr. Shuford said that Vice-Mayor Bellamy raises a good point and maybe we do need to clarify somewhere in the purpose and intent section that there will be periodic reports made to Council about progress that has been made. Resulting from direction that comes from that, staff will modify the Plan accordingly.

Vice-Mayor Bellamy asked what part does the new Metropolitan Statistical Area (MSA) and our expanding region play in this overall document. Mr. Shuford responded that it wouldn't have an effect from the standpoint of either the transportation or land use aspects of it. What may happen, and it probably doesn't need to be reflected in our Plan, is that because our MSA has gotten to a certain level, we will start to attract a wider range of development activity from around the country. Basically they break the areas into different tiers and as a result of the data that is used to generate development market analyses, he thought we are going to see a lot of development attention turned to us from outside our area, but he thought we had that covered in terms of our land use plan. Vice-Mayor Bellamy disagreed because in the matrix it talks about what types of development we don't want – like big box. But, because our MSA has changed and we are the hub for Western North Carolina, she believed we may attract more big box developments because of our area and the desirability of our area. However, our Plan says we don't want that. Mr. Shuford explained that that was an issue he has heard from more than one Council member with regard to the statement in the Plan that big box development was regarded as either less desirable or undesirable. That was a summary of what came from the public input process. Council members have made him quite aware that that has a tendency to be incendiary and he is planning on taking that section out. He doesn't think that the Plan will lose anything by dropping that grouping because we address it in other areas. He recognizes that Asheville is going to be the center of commerce for Western North Carolina because of our size and our location at two interstates. We are going to receive development pressure for big box type development and we need to accommodate it.

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Vice-Mayor Bellamy felt that green development is wonderful and how the benefits of it are outlined in the Plan is good. However, one thing missing is the need for the creation of an incentive program for developers to actually do green development. Mr. Shuford responded that green development is often more expensive than regular development and as a result there should be

some incentive for that. We have been working with Peter Alberice to look at a grant that would be used to develop strategies for providing those incentives. We can also look at our rules and regulations and see where they are disincentives for green development that might exist and remove those.

Vice-Mayor Bellamy asked how the new developer/neighborhood meetings would mesh into this Plan. Mr. Shuford said this is one of the cases of where our regular work program is starting to catch up to the goals of the Plan. In many ways it's like the Joint Planning Area and the Early Action Compact occurring since we started this process and we need to address those. It may make meeting some of the implementation steps that are listed in the matrix with regard to community involvement a lot easier because we have already taken some of the steps in that direction. Regarding voluntary vs. mandatory, Mr. Shuford said that right now we are not proposing a mandatory process for developer/neighborhood meetings. We feel like we have a program that's going to take a few years to try to see how it works and to measure its benefits. First we have to get it implemented and there has to be code amendments. Until we have had a change to see if it is absolutely the right way to go, he wouldn't recommend to Council that we go with a mandatory process. Because there are added expenses associated with the process that we have laid out, it may make it difficult for certain types of development. For example, if we continue to have duplexes as a conditional use permit, right now they don't go to the Planning & Zoning Commission for approval – they come straight to City Council. He'd hate to get us in a situation that anything that came to City Council would have to have a mandatory public involvement process if it is that small of scale. Vice-Mayor Bellamy felt this is the type of thing that needs a benchmark.

Vice-Mayor Bellamy asked what is the timeframe for incorporating the LEED system in the development of the green building program. Mr. Shuford said that he is working with the local architects to develop that program. He said that the LEED system is an internationally recognized green building program.

Upon inquiry of Vice-Mayor Bellamy, Mr. Shuford said that the Downtown Asheville Center City Plan, that just deals with downtown Asheville, is an addendum to the overall Plan. The goals in that Plan deal directly with downtown issues and not with City-wide issues.

Vice-Mayor Bellamy felt that within 22 years discussion needs to take place about a housing bond and that needs to be included somewhere in this document.

Vice-Mayor Bellamy said that we don't give a strong enough emphasis on our support for incremental tax credits. We need to say that we are going to pursue legislative approval for that. We need to talk about the importance of it and how the community can benefit from it.

Vice-Mayor Bellamy said that there was a debate at the retreat about how when we plan for something, should dollars should be considered. She felt they both should go together. She felt that the City should commit to support this, not just in theory, but what we will place value and dollars in in the future. Mr. Shuford said that speaking on behalf of the Planning Department, there are some aspects in the Plan that deal with capital improvement suggestions and certainly he hoped those would be reflected in the budget. But again, this is a guideline and Council implements it potentially at every meeting. Every time Council makes a decision, it has the potential to add to the list of things we need to change or amend to this Plan. When the Plan and Council's priorities not in alignment is when we need to make adjustments. In fact, in a month or two we will be bringing to Council the infill development ordinance that deals with duplexes,

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triplexes and quadraplexes. Depending upon Council's action on that, it will either stay in the Plan or it will be something we will take out.

Councilman Dunn said that it's difficult to pick five things out of a document over 200 pages that he has concerns about. We have a Planning Department, a City Development Office and a Unified Development Ordinance. That is a lot of people to plan the City's future. He realized this document is supposed to help it, but it seems to him that we already have plenty of regulations, departments and planners to do that very thing. We talk about the 2025 Plan, but where is the role of government. He knows that's not the purpose of this Plan, but we must be thinking of that too. He felt the Plan is unrealistic. It talks about annexation continuing. If we look back at the history of Asheville in the past 60-70 years, the City is a lot bigger as far as square footage, but the population is going downhill. The transportation goals are unrealistic. If we lived in the northeastern corridor of New York or New England, it would be different. People around here are not going to ride bicycles and they are not going to ride the bus. He wished they would, but they're not. Some of this is elitist. Statements on pages 14 and 15 say that low paying jobs are less desirable, and national franchise and restaurants are not wanted. We, on this Council, agree that those are low paying jobs, but they are still jobs. When a community, council or a plan decides that we are going to decide what is a good job and what is a bad job is dangerous. Any job is better than no job. So he has a real problem with the wording. How are we going to grow our tax base with higher taxes, annexation, and the cost of housing? They are all placing a strain on our young people who can't afford a

place to live. This Plan is loaded with regulations. This Plan might be counter productive to the City in the long run. On page 33 it lists successes in smart growth. It says the Gerber Urban Village is a success – there is nothing happening out there. It's still a vacant piece of land. Regarding Azalea Road Park - we're still waiting on the Blue Ridge Parkway to do something with that. The I-26 Connector Public Input Process was wonderful but we won't have it done until 2012. How can you say that's successful? When we put these kinds of things into the Plan that aren't even implemented yet and may not even work, why include them. On page 60, it says the City wants to have the responsibility to guide growth and development. It also states it has the ability. To him that means that staff, and not the private sector, will have the heavy hand. They will quote this Plan and implement the regulations. This scares him. If you carefully read page 65, staff already can micromanage site designs and now they want to manage structure designs. Where are we going to stop? If the staff can do all that plus regulate structures, then staff has a heavy hand and will probably continue to make business and development tough in the City. It says the reason for this is to make things streamlined. But in fact, it puts more power on the staff and to him it will be more erroneous in some ways that what we are trying to accomplish. On pages 158 and 159, it talks about trees. If the Plan is adopted, a person in the City who has trees to cut down will have to get a permit for it as well as hire a professional tree surgeon. This is a minor thing, but again that is more control. He can understand that if it's on the City's streets but not if it's in their backyards. It seems to him that the City wants to control people, property and permitting. There is even a suggestion in this Plan that new foliage for buffers has to be common and indigenous to western North Carolina. As an outdoorsman, he knows there is no way you can control that. If you look in the woods, there are trees from all over the southeast growing. There is an area that talks about the City of Asheville building, or helping to support, a railroad terminal in Biltmore. Railroading is a hobby he has had for 30 years. Northfork Southern's railroad ties aren't strong enough to support high speed rail. If the City's going to build this, Northfork Southern has a lot of work to do on their tracks before it will ever be high speed rail service. It seems to him this will be a long, long time coming and the money spent on this would be better off spent somewhere else. On page 208, there is only 1.5 pages out of over 200+ in this entire Plan about police. He, and members of this Council, have recently supported more police in our neighborhoods due to high crime rates. The unreported ones are the ones that worry him the worst. To put a 200+ page document together and say we don't have a police problem or a crime problem really disturbs. If our children aren't safe in their homes, why worry about where they are going to play. On page 47, it states that a mobile home can't be considered home ownership. Ask any person with a

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mortgage on a mobile home what they think about that statement. Some of these statements don't need to be in the Plan. Mr. Shuford responded that a mobile home is not taxed as real property so it can't be considered as a home. But he didn't disagree at all that a mobile home is considered as a home. Councilman Dunn then continued by saying that maybe technically it can't be considered, but if someone is paying for their home, you may have an argument there. In closing he pointed out the many areas of increased control, unrealistic expectations and goals. Many people have worked on this Plan and all of them have the best interest in Asheville. But all of us have different opinions. He would suggest that we change the verbiage in a lot of areas and put a disclaimer on it making it clear that it's a vision and not a plan. He sees places where we can waste money and create bad will in the community if we do some of this. The 2025 Plan has already been quoted by staff and it does include some areas of elitism in his opinion. He can't support this document as it's written right now. Many things addressed in it are worthy, but there is room for further intrusion by City government into the lives of taxpayers. We already have a Unified Development Ordinance, a Planning Department and a City Development Office for this very purpose. When you look at the matrix, it will show you how tough this is going to be. Surely we can find a way to re-word and shorten this Plan and only undertake realistic steps. All these things will cost money and create more bureaucracy. Plans often change and visions are like ghosts – they only appear to certain people. Let's not put that much faith in either one of them.

Councilman Peterson said that the citizens committee and staff has done a great job with trying to further flush out some of the principles of smart growth and he feels this is a good solid document because there is a good solid foundation to build on. One area that he sees as a weakness is that whenever there is a new development going into any part of Asheville, either a park with the Armory or some housing development, the public comes in and says the roads can't handle it, the waterlines can't handle it, etc. Their concerns are always the infrastructure. Going hand in glove with greater density, particularly with infill, the City is going to have to make that commitment. There are some comments in the Plan that address this but it's not clearly linked that to encourage that greater density, in particular the infill, the City is going to make the commitment to improving infrastructure in areas that may have the old waterlines, or streets that need improvements. Particularly as we saw with the Richmond Hill area, when they see more development and more traffic, they want some traffic calming measures. He felt that if the City was more pro-active about it and said, we know with greater density we're going to need better infrastructure and we're going to make that commitment, that people will be more willing to accept it. He thinks that what most of the public hears staff say is, once you build all these new housing units, then there will be the demand for this infrastructure. The public wants the infrastructure before the development comes. He would like to see something that clarifies that smart growth means not just putting more people downtown or more people in the neighborhoods, but improving those qualities so that it doesn't bring everybody's quality of life down by just having more people.

Councilman Peterson said that on the flip side of focusing on having greater growth downtown and in the existing

developed areas, he felt the document is very weak on managing growth in areas that we don't want to see greatly developed. That as long as people can develop up on the mountain ridges and build greater density, they won't have that pressure to do infill development. And, the impact doing something along the mountain ridges is going to be a greater impact than doing something with infill in the neighborhoods. He would like to see that link being made that we're not just going to open up the door for greater density closer in town, but to make it clear that that will mean growth management measures in other areas that we don't want some of that greater density. If we are going to make smart growth work, it has to be encouraging growth where we want it and limiting growth where we don't want it. He doesn't see that mentioned much in the Plan.

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Vice-Mayor Bellamy asked about the other plans mentioned in the 2025 Plan. Mr. Shuford said that when the 2025 Plan is adopted, the attached Center City Plan would be adopted as well. Mr. Shuford explained that the reason the plans are separate is that we often get people who are interested in the downtown area and we wanted to have a document that we could separate and distribute to them that would deal only with that one area. He did say that there are a number of different plans mentioned in the 2025 Plan though. Some of those that are referenced in the Plan, which have already been officially adopted, are the Greenway Plan and the Pedestrian and Bike Plan. Some other plans mentioned are some small area plans in five priority areas. Those are plans that will come before Council in the future.

Councilman Mumpower said that we've inherited this from the previous Council and it's also had the touch of a whole lot of people, including staff. It is obviously supported by a number of my colleagues on Council. He is personally not interested in tossing a lot of disrespect toward any of those entities, so he will be brief. He has had many conversations with Mr. Shuford and a lot of correspondence about this and it is very clear that he has a significant number of concerns about this document. In summary of those, he does believe the document is much too large and bulky. Anything staff can do to condense it down to a more practical format that the average user can put to practical use is a good investment of time and energy. Secondly, he would question the title of the document. This is one of the things that threw him the most in the beginning. This document does not reflect what he, from a commonsense prospective and from the average person on the street, would see as a comprehensive city plan. There are just far too many things that are not addressed in the document. He hoped one day we could do a comprehensive plan. He would like to see this Council suggest a format and then see if there are some ways that we might pursue that. But for now, we're talking about Asheville's 2025 Land Use Guide. He thinks that would be a much more appropriate title and one that he personally he could feel more comfortable with. Without going into detail, he has some similar concerns about the content that Vice-Mayor Bellamy, Councilman Dunn and Councilman Peterson mentioned. He would be comfortable in communicating those concerns directly to Mr. Shuford. He does believe there is some detail in the Plan that could be changed. He is especially concerned about elitist language. He feels that when you do a document this large it's hard to do everything perfectly. But, there is a tone and comments made that he doesn't think reflect a good model for a community that is trying to be inclusive and considerate of our variety of peoples that want to make people bring decent jobs to this community feel welcome. People that work in jobs that may not be considered the ideal, best or elite need to feel good about what they do. The fact is that we need jobs of almost any decent sort here and he felt language that reflects otherwise is a poor investment in our future. He suggested we remove examples of non-existing or future projects. He thinks we reference examples that really haven't happened, may not happen and there should be examples out there that we can use to substantiate the content. Mr. Shuford agreed and he was as disappointed as anyone that, for example, the Gerber Urban Village has not moved forward. There are some reasons for that but he is hopeful that project will move forward soon. He agreed that referring to it in the document perhaps is a bit premature and there are other examples. Councilman Mumpower continued in that he hopes that we learn from this for our future. He's not sure this has been the best investment of our time and energies for our future. He tends to personally be more inclined toward activities that have a more concrete nature. He's heard us speaking really from both sides of our mouth on this document. On one hand we say it's a guide, it's nothing that locks us down, and it's nothing that Council has to vote on all these issues. It's played as not a terribly serious document. On the other hand we've had the input of hundreds of people and spent no telling how many staff hours. It's 200+ pages long and we know from past experience that we do reference these guides seriously and frankly, he thinks we should. He hoped in the future we can get settled on one place or the other. We either are going to have a serious document that deserves serious consideration and has serious buy-in by everyone, or if it's just a guide, or a vision, personally he's not sure this is the best place for us to put so much time and good energy on our future.

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Councilwoman Jones said that there is a structure in the matrix, like the land use, air quality, economic development, City services, etc. that all makes good sense. But there are a couple of headings in the matrix that are very important, but they are sub-categories. For example, the entire development tools should be sections, because it's so much of what we do day in and day out as far as government services go. That applies to affordable housing too. It's just in those two places. In her very brief study of city planning, she understands that in strategic plans if the subsections are cross-referencing each other, that actually makes it a stronger plan because you're being consistent within the different functions. As we update it down the line, she suggested we do that to really build on each section. Some people may think it's duplicative, but really it's a stronger base. She expressed her

gratitude towards the powerful public input and did think the input was from a cross-section of people. She really didn't care what we call the document – vision, guide or plan. She felt the word “vision” is powerful. She thinks that is part of what leadership has to offer a community is a vision. Then we have staff and citizens that help us live out the concrete part. She will interpret this document as a strong informative plan, guide, vision, or roadmap. She will take it very seriously and very seriously to heart. The word will not change the power. In terms of all the responsibilities of the City government including public safety, infrastructure and land use planning, we use the word balance. What is happening is we have to hold everything in tension and that, to her, is the hard work of Council. Balance at the end of the day is arbitrary as everyone's balance will be different. But what we need to do is keep everything in tension and she thinks this Plan actually does that. She hopes the economy turns around and we can allocate dollars to see these things put into action. She wanted to be clear where she will be coming from, in terms of how she will be interpreting this document and how she will be looking at budgeting going forward. She thinks it's a good job.

Mr. Shuford wanted to be clear that the intent of this Plan is an effort to establish a series of tasks for staff to work on and bring them forward for separate consideration. How Council acts on those tasks will determine how the plan is implemented. It's not an implementation, but a tool that gets you to the implementation.

Councilman Dunn said that five years from now another Council will be seated and since this Council adopted this Plan staff will have to implement it. He felt the next Council will be locked in to a certain degree. He sees some problems with that up the road. Mr. Shuford responded in that in five years he'd like to think there will be substantial changes to this document to reflect new things. Last year we had an Early Action Compact to deal with air quality issues, we have a Joint Planning Area concept, we've made significant progress in attempting to achieve the developer/neighborhood coordination communication aspects, we've had a number of different zoning districts adopted, and efforts to promote smart growth ranging from code amendments to development projects. Not updating this document on a regular basis is a huge mistake and so it must stay current with the times and hopefully that will mean that it's current with the councils.

Mayor Worley said that this is a guide. There is nothing in the document that carries the force of an ordinance that we enact. It may lead us to enact ordinances, but it's a guide, just like the 2010 Plan has been a guide. The 2010 Plan has been followed and it has been not followed on occasion where circumstances and a particular council thought it was in conflict with where they wanted to go. That certainly is the prerogative of this Council or any council. In reality, what you are telling us and what we intended with the 2010 Plan, but it didn't always happen, is that where a council chooses not to follow that Plan, that in itself constitutes an amendment to the Plan to bring it into consistency with whatever the philosophy of that council is. That is something we need to recognize that when we adopt this Plan, or if we adopt this Plan. We are not setting something in concrete that can't be changed. We are setting a guideline that as things come up we will see fit to follow or future councils will see fit to follow. If not, change the Plan. Things do change and things do come up that are unanticipated. There is a section in the Plan that deals with annexation and extraterritorial jurisdiction and certainly encourages us to continue

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expanding in that vein. There is no mention of our current agreement that we are working on with Buncombe County for a Joint Planning Area. That certainly changes the extraterritorial aspect of it. It was his recommendation to change the language to deal with that current situation. Mr. Shuford agreed and said that we are planning to do that. Mayor Worley continued by saying when he looked at the implementation timeline, it struck him as being rather aggressive in terms of the timeframe. When you look at the timeframe shown, it's either ongoing for a good number of things or for those that have dates, it's generally 2003 to 2005 time period. The 2003-05 time period struck him as being too aggressive since we're almost at the end of 2003. It seems like some of those things should be a little longer. He felt the Fire Department area was the only area he saw was stretched out as far as 2010. Mr. Shuford said we do plan on making some adjustments for a variety of reasons. Mayor Worley made an editing note by saying tax increment financing is now called project development financing. In area of transit planning and particularly efforts to manage transportation demand, he has served on the Transportation Demand Management Panel with the N. C. Dept. of Transportation and the final report from that is in the process of being prepared and will be circulated very soon. He believed that report was going to call for the creation of a couple of transportation demand associations to try and foster some alternative modes of transportation usage. Of the two that are recommended, one is recommended for Asheville. So, potentially incorporating what he thinks will be a forthcoming transportation demand association into the Plan would be consistent with what he thinks will be coming out from the N. C. Dept. of Transportation within the next month or so. Mr. Shuford said that he would contact Mary Clayton for verification.

Mr. Shuford thanked Council members for the comments. He will list all the changes report back to Council in a month or so.

V. NEW BUSINESS:

VI. OTHER BUSINESS:

Vice-Mayor Bellamy announced vacancies on the following boards and commissions: Clean Air Community Trust Board, Economic Development Strategic Plan Implementation Task Force, Historic Resources Commission, Board of Electrical Examiners, Noise Ordinance Appeals Board, Transit Commission and Tree Commission. For an application form please call the City Clerk at 2659-5601.

Councilman Ellis read a letter from Victor R. Trantham Jr., Vice-President of the Haywood Street Redevelopment Corporation, dated June 25, 2003, thanking all those who worked with diligence to ensure that the Haywood Street and Battery Park project went smoothly.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Fred English felt the City should not be in the affordable housing business. He also felt that money allocated for bus passes should be used for something else.

Mr. Mike Fryar explained how City Council was misinformed by City staff about how much of his property was already in the City prior to his recent annexation and about development behind his property.

Mr. Gabriel Ferrari, west Asheville resident, alleged sabotage of his North Carolina Corporation by the Director of Building Safety in 1997. He said that after he related his allegations to the North Carolina Corporate Division, they advised him to hire a lawyer and sue the City for damages. He advised Council he would pursue that avenue.

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VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at 6:26 p.m.

CITY CLERK

MAYOR