

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:

Minority Business Commission Annual Report

Summary: Presentation of the Minority Business Program Annual Report for Fiscal Year 2002 - 2003.

In May of 1998, City Council adopted the Asheville-Buncombe Minority Business Plan. The Plan was subsequently amended in November 1998, December 1999, December 2001 and October 2002, to clarify provisions of the Plan and to reduce the Minority Business Commission from thirteen members to eleven.

The Plan requires the Office of Minority Affairs to present to the City Council and County Commissioners an Annual Report on the effectiveness of implementation of the Plan. The Report shall include, but not be limited to: the number of minority businesses; percentage of minority businesses contracting with the County and City either as a prime contractor or as a subcontractor; percentage of overall reported contracts awarded to minority businesses; percentage of contractors complying with good faith efforts; and percentage of goals achieved and goals waived.

The Annual Report for Fiscal Year 2002 – 2003 has been reviewed by the Minority Business Commission and approved at its meeting on August 14, 2003.

City Council to receive the Annual Report.

Vice-Mayor Bellamy recognized the good efforts being made to implement the plan and asked the Office of Minority Affairs to suggest ways in which elected officials can help to improve the numbers.

Annual Motorola Maintenance Agreement

Summary: The consideration of a resolution authorizing the City Manager to execute a service agreement renewal with Motorola Communications and Electronics, Inc. to provide maintenance of the City's radio communication system for another year at a cost of \$11,161.39 per month.

Motorola Communications and Electronics, Inc. has provided maintenance services for the City's radio communications system since installation of the system in 1992. The service agreements are renewed annually. The maintenance cost per unit of equipment for the renewal period of September 1, 2003, through August 31, 2004, has increased by three percent. This is the first increase in the maintenance cost per unit in ten years.

This renewal agreement reflects a monthly increase of \$1,366.29. The agreement covers additional equipment purchased by the City that has come out of warranty during the past year. The

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agreement also covers radio equipment for the Asheville Transit Authority this year. The monthly cost of this service is \$11,161.39.

Funds have been appropriated in the Finance Department, Information Services Division, in Account No. 110-1005-415-3001 C44108 to cover the monthly cost of this agreement.

City staff recommends City Council adopt the resolution which authorizes the City Manager to execute a renewal of the service agreement with Motorola Communications and Electronics, Inc. to provide maintenance to the City's radio communication system.

Acceptance of Streets – Portion of Pine Acre Boulevard and Oxford Court

Summary: The consideration of a resolution to accept Oxford Court and the remainder of Pine Acre Boulevard as City maintained streets.

Section 7-15-1(f)-4.a requires that streets dedicated for public uses be accepted by resolution of City Council.

Oxford Court and a portion of Pine Acre Boulevard were constructed approximately ten years ago with the understanding that

they were to become publicly maintained streets. Engineering Department Staff inspected the streets at the time of construction and found them to be constructed in accordance with the standards at that time.

The streets were never officially accepted by City Council for maintenance. Oxford Court is approximately 490 feet long and has an average width of 20 feet. The length of Pine Acre Boulevard that staff is requesting acceptance of is approximately 930 feet long and has an average width of 20 feet. Staff is only requesting a portion of Pine Acre Boulevard be accepted by the City for maintenance because the remainder of the street is currently maintained by the City.

Following City Council's approval of this resolution, Oxford Court and the remainder of Pine Acre Boulevard will be added to the official Powell Bill list.

City staff requests City Council accept Oxford Court and the remainder of Pine Acre Boulevard as City maintained streets.

City Engineer Cathy Ball responded to street maintenance questions from Councilman Dunn.

Great American Main Street Award

Summary: The consideration of a resolution of support for an entry into the Great American Main Street Award competition.

The Asheville Downtown Association, Public Interest Projects, Inc. and the City of Asheville are putting together an application for the Great American Main Street Award. If selected, the award will be given to the community of Asheville as a whole. The award recognizes the accomplishments in the revitalization of traditional downtowns and neighborhood commercial districts and is given to five towns or cities each year from across the country. As part of the application, there is a required resolution of support from the applicant's city or town council.

The application package will include the following: a history of downtown's revitalization; the key participants; major achievements; business development; a summary of the economic

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impact of revitalization; slides depicting our success including before and after shots of renovated buildings; and other letters of support.

City staff recommends approval of the resolution of support for an entry into the Great American Main Street Award competition.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place these items on the next formal City Council agenda.

JOINT PLANNING AREA

Planning & Development Director Scott Shuford said that City and Buncombe County staff have been working on development standards and procedures for the proposed Joint Planning Area (JPA) for approximately one year. There was some initial assistance from a land planning consultant but much of the work has been by City and County staffs.

He described the JPA as an area of shared jurisdiction between Buncombe County and the City of Asheville wherein the County and City have agreed to the development standards and enforcement procedures. The JPA completely replaces the City of Asheville's extraterritorial jurisdiction (ETJ).

Benefits of the JPA for the City include: (1) shared growth management over larger area; (2) automatic JPA expansion; and (3) cooperation with county on key issues. Benefits for the County include: (1) less restrictive than the Unified Development Ordinance (UDO); (2) day-to-day County administration; and (3) cooperation with City on key issues.

Mr. Shuford then reviewed the roles of the elected and appointed bodies. The Commissioners and Council will (1) establish the initial zoning map for the JPA; (2) adopt the initial zoning and development regulations for the JPA; (3) consider and approve changes to the map and regulations; and (4) both bodies must agree to zoning map and development regulations. The County Planning Board and the City's Planning & Zoning Commission will make recommendations on the initial zoning map for the JPA and the initial zoning and development regulations for the JPA; and make recommendations on changes to the map and regulations. The County Board of Adjustment will consider and approve subdivisions, variances, conditional use permits, larger development proposals (25,000 sf+) and Code interpretations; votes will require a 4/5's vote to approve; and "apolitical" consideration of development proposals. The new County Board of Adjustment make-up will be five members – 3 members appointed by the County and 2 members appointed by the City.

City staff will review and comment on Board of Adjustment cases. County staff will handle the application intake and processing; will be the staff liaison to the County Board of Adjustment; will distribute applications to City staff; and will enforce zoning and development regulations.

The initial area of the JPA includes all existing City ETJ and other unzoned incorporated areas roughly one mile from Asheville's corporate limits. The initial area of the JPA does not include other incorporated areas or their ETJ's or Beaverdam and Limestone zoned areas.

Mr. Shuford then reviewed the initial area of the JPA. The initial area of the JPA will expand as the City of Asheville annexes. Expansions will occur on an annual basis unless there are no annexations during the preceding year. All ETJ is replaced by JPA (to reduce staff and customer confusion). The Interlocal agreement will allow the County to appoint 2 members to the City's Planning & Zoning Commission and one member to the City's Board of Adjustment (plus an alternate).

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The JPA zoning districts will comprise of three residential districts (R-1, R-2 and R-3), three business districts (Neighborhood Business, Community Business and Highway Business), and two other districts (Office Institutional and Industrial). He then reviewed the setbacks and height restrictions; and special provisions of the JPA zoning districts.

Mr. Shuford then reviewed the JPA development regulations outlining each proposal, which included stormwater, streets, sidewalks, signs, traffic impact analyses, and cell towers. He said that the County is still reviewing the sidewalks proposal.

City staff recommends City Council receive the staff presentation and provide direction as to the next steps for proceeding with the JPA. At this point the City is waiting to hear back from the County on key issues and then it will be necessary to finalize the development issues in line of what was presented today. We will then bring that forward to the City's Planning & Zoning Commission, the County's Planning Board, City Council and County Commissioners. City Attorney Oast is working on an Interlocal Agreement with Buncombe County on the JPA.

Mr. Shuford responded to various questions and comments from Council, some being, but are not limited to: what process will be used to determine land designations if areas are annexed; in terms of stormwater and traffic impact analyses, why do they need to be reviewed by the County or consultant when the City has the expertise in-house; what is the rationale behind the County appointments to the Planning & Zoning Commission and the City's Board of Adjustment; is there any research that shows having more concrete sidewalks will result in more stormwater runoff; what will be the process if someone wants to change their zoning designation in the JPA; and have other groups reviewed this information.

Councilwoman Jones felt that the Joint Planning Area is the result of two governing bodies compromising for the betterment of the community and better use of tax dollars.

Councilman Peterson pointed out that most cities that have ETJ's and County appointments let the County appointments only vote on projects in the ETJ. Asheville is one of the few who allows County appointments to vote on all projects.

Mayor Worley felt the JPA is breaking ground in North Carolina and is shows extraordinary cooperation between the City and County.

Upon inquiry of Mayor Worley, Mr. Shuford said that regarding on-premise signs, the County's biggest concern was the ability to use existing signs, have them grandfathered, and have them maintained.

When Councilman Peterson asked how the protest petition process would work in the JPA, Mr. Shuford said that he would look into that issue. City Attorney Oast said that he felt that since the protest petition process applies in the ETJ, it would also apply in the JPA. Councilman Peterson asked for additional information on this issue.

Upon inquiry of Councilman Peterson, City Attorney Oast said that he is aware of the potential need for an opt out clause for either or both parties and will insert appropriate language in the Interlocal Agreement.

After discussion initiated by Vice-Mayor Bellamy, it was the consensus of City Council to have the Mayor send a letter to Commissioner Ramsey asking that the County respond to the City on the key issues expeditiously so that the seated Council can take action since it is the group that has worked on this issue.

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CLINGMAN FOREST GREENWAY MASTER PLAN

Superintendent of Parks Jim Orr said that this is the consideration of a resolution to adopt the Clingman Forest Greenway Master Plan.

Clingman Forest is an approximately 10-acre forest in downtown Asheville, bounded roughly by the YWCA, Asheville Middle School, and Charles Street to the East, Aston Park to the North, Clingman Avenue to the West, and the River/Arts Warehouse District to the South.

Ms. Tamara Calabria, representing Mountain Housing Opportunities, said that a committee of stakeholders was formed to lead the project and work closely with the design consultant to develop the plan. This committee included representatives from the City's Parks and Recreation and Planning Departments, the Asheville Greenway Commission, Mountain Housing Opportunities, the West End/Clingman Avenue Neighborhood, Buncombe County Parks and Recreation and Buncombe County Board of Education. The planning effort was made possible through generous grants received by Mountain Housing Opportunities from the Pigeon River Fund and Carolina Power and Light.

Much of the property within the proposed greenway corridor is currently owned by public or quasi-public agencies, including the City of Asheville, Buncombe County, and the Buncombe County Board of Education. There are several small parcels within these larger tracts that are currently in private ownership. The proposed linear park is indicated as a primary off-road greenway corridor in the Asheville Greenway Master Plan.

The purpose of the Master Plan was to develop an understanding of the site through detailed site analysis, receive public input, and establish guidelines for development of the greenway. The future Clingman Forest Greenway will eventually provide a greenway connection between Buncombe County's Aston Park and Asheville's French Broad River Riverfront District. The corridor is planned to serve as a valuable natural resource for recreation and environmental education, and also contribute to the revitalization of the surrounding area. The future greenway will serve both the community in the immediate vicinity as well as the broader Asheville area.

Key design concepts will be to (1) provide network of trails; (2) incorporate infill housing; (3) protect the site's natural character; (4) incorporate environmental education; and (5) reinforce a sense of place.

Currently secured funding and support includes: (1) The N.C. Dept. of Transportation (NCDOT) Enhancement Grant (\$172,000) for streetscape improvements to Clingman Avenue, to include construction of the on-street portion of the Clingman Forest Greenway and stormwater infrastructure within Clingman Forest; (2) Community Development Block Grant funding (\$34,000) which will provide the local match for the first phase of the NCDOT Enhancement Grant; and EPA 319 Stormwater Grant (\$95,000) secured by NCSU Water Quality Group for constructed stormwater wetland within Clingman Forest.

The Parks and Recreation Department and Asheville Greenway Commission recommend the City of Asheville adopt the Clingman Forest Greenway Master Plan as a document that will serve as a guideline for greenway development.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

Ms. Calabria responded to various questions/comments from Council, some being, but are not limited to: why isn't there a more direct tie into Aston Park; what is the total budget for the project; and what type of grants will they use to secure funds.

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Councilwoman Jones wanted to make sure that since the timeline for implementing this Master Plan is long-range, we will have an opportunity to educate the public and receive some genuine feedback.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

PUBLIC ACCESS CHANNEL COMMISSION UPDATE

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Public Access Channel Commission Chair Beth Lazer said that this is the consideration of a resolution authorizing the Mayor of the City of Asheville to enter into an Interlocal Agreement with Buncombe County for the purpose of providing funding of a Countywide public access television operation and facility.

In March 2000 the Asheville City Council appointed the Public Access Channel Commission (PACC) to facilitate the establishment and management of a public access channel in Asheville. Since that time, the Commission has formed a non-profit organization to manage the channel (URTV, Inc.), developed a management and operations plan for the station, identified sources of funding, and worked with other groups, to include the Asheville Chamber of Commerce and Buncombe County government to identify opportunities for collaboration.

Most recently, Buncombe County government reviewed and agreed to enter into a Interlocal Agreement with the City of Asheville to provide for funding of a Countywide public access television operation and facility. This agreement provides that the City and County will cooperate in the provision of public access television to serve the Asheville-Buncombe area, through a non-profit corporation.

This agreement is the first step in the realization of a Public Access Channel. Over the next month, PACC board members will work with City and County staff to orchestrate next steps and provide additional recommended action for Asheville City Council's consideration.

City staff recommends City Council adopt the resolution authorizing the Mayor to enter into an Interlocal Agreement with Buncombe County for the purpose of providing funding of a Countywide public access television operation and facility.

Ms. Lazer said that the PAC is ready to go, but the organizational work still needs to be done to mature this collaboration. Therefore, she requested to come back to Council in approximately 30-45 days to update Council on what they see URTV needs to get going, to ask Council to dissolve the PAC as currently constituted, to ask Council to endorse the URTV, Inc. organization and Board as the management organization, and to direct staff to work on drafting one management agreement.

Upon inquiry of Vice-Mayor Bellamy, Ms. Lazer said that the proposal for the URTV Board is that it will consist of 11 members. Currently there are five members of the PAC, who are willing to be a part of the first Board, leaving six open seats. They will work with Assistant City Manager Jeff Richardson to come up with a way to collaborate with the City and County on how to fill those remaining seats. They need people who have special skills, e.g. a producer, an attorney, etc. There is also a definite need for youth representation - perhaps a youth from Project STEAM. They would also like to reach out to the Latino and African American communities. They hoped to have a public application process for people to express an interest, noting that diversity most certainly will be attempted.

Vice-Mayor Bellamy pointed out that the agreement states that in the event of a war, emergency or national disaster that requires reallocation of funds or other assets, notice of

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termination shall be provided for in writing at least 60 days in advance of said termination. She was concerned that 60 days was too long and that it should be 30 days. City Attorney Oast said that he would look into that matter.

Ms. Lazer responded to the concern raised by Councilman Dunn about content on the channel.

Councilwoman Jones said that 3.5 years of working on this project shows a remarkable commitment and appreciated the work of Ms. Lazer and the entire Commission.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

RE-EVALUATION OF WATER TREATMENT PLANT TOURS

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Interim Water Resources Director David Hanks said that this is the consideration of reinstating the North Fork Water Treatment Facility and the Mills River Water Treatment Plant tours.

The Water Resources Department suspended tours of the North Fork Water Treatment Facility and the Mills River Water Treatment Plant in February, 2003 due to potential terrorists threats, general uncertainty of world events and the recommendation of a third party consulting firm through the Environmental Protection Agency (EPA) mandated water system vulnerability assessment (VA). The VA sited potential threats from local environmental activists and the general liability associated with tours of the plant and wooded area around the facility. Security at all Water Resources facilities has been upgraded to include camera surveillance, electric key card gates and door access.

The Water Treatment Plants and the watersheds are owned by the City of Asheville and the City of Asheville has the liability if someone is injured or killed on the property or water flow is disrupted by a malicious act by an individual or group. That potential has been identified along with other potential liabilities of the water system listed in the VA.

Currently, the Water Education Coordinator is scheduling classroom events and programs through local and county-wide schools. Per the Water Education Coordinator, schools have cut back on tours for the same reasons the Water Resources Department eliminated water treatment plant tours and that is potential liability and potential harm to the participants. Classroom participation and events at schools are being scheduled as requests are received. The department is also working with the North Carolina Department of Environment and Natural Resources (NCDENR) on a video program as part of the science water curriculum for tenth grade students throughout the state.

The Water Resources Department has been pursuing other possible options of providing water education through a joint venture with the Asheville Parks and Recreation Department by having a joint use resource center located on the French Broad River at the French Broad River Park with access to the river and a natural wetlands area. This potential project will be addressed during the Fiscal Year 2004-2005 budget process due to current funding limitations by both departments.

Due to the liability factor and in order to maintain compliance with the VA recommendation that tours of the Water Treatment Facilities not be started back, City staff recommends continuing to pursue a Water Education Resource Center so that groups and schools classes can still receive quality water education and conservation information at a central location.

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Councilman Ellis encouraged the Water Resources Department and the Parks & Recreation Department to continue searching for

grants to proceed with a plan at the French Broad River Park.

Upon inquiry of Councilman Jones, Mr. Hanks explained what the preliminary \$2 Million budget included at the French Broad River Park.

Councilman Peterson felt the community benefit of the tours outweighs the liability factor.

Councilwoman Jones asked that Council define the word "consensus" at the upcoming retreat.

It was the consensus of Council to continue ceasing the tours at the North Fork Water Treatment Facility and the Mills River Water Treatment Plant.

At 5:10 p.m., Mayor Worley announced a short break.

FOR OUR KIDS PROPOSAL

Councilman Mumpower presented to Council a program he developed called "For our Kids..." which is his personal effort to move us along to look for ways of improving the public housing picture. He explained how the program evolved thanking Mr. David Jones, Executive Director of the Housing Authority of the City of Asheville, and Mr. Michael Godwin and Mr. Gene Bell, both with the Housing Authority.

The mission is about creating a safe and healthy environment for our kids that support their growth and well-being. The goal is to target unsafe areas that affect our children and their quality of life. In partnership with the City of Asheville, the Housing Authority, residents and the community, we seek to address key factors that can have a positive and lasting impact on our children.

Who will benefit? Our children; our schools (they are better able to teach children nurtured and supported at home); all residents of public housing (a better place for our kids is a better place for everyone); our community at large (public housing problems eventually affect everyone); and public dollars (money currently devoted to litter, vandalism, etc. can be better invested in improving public housing).

Councilman Mumpower explained how the following 10-point program will bring us together in support of public housing:

- (1) Operation Clean-Up
 - (a) monthly "litter days" in each public housing development;
 - (b) "For Our Kids..." trash cans personalized to each development – make it fun (Biltmore Iron and Metal have graciously said that they will donate the cans); and
 - (c) outside support from churches, civic clubs, volunteers and others;
- (2) Church & Civic Club Sponsorship
 - (a) provide support, outside investment, and sponsorship for constructive initiatives within public housing;
 - (b) decrease the isolation and separation of some public housing residents; and
 - (c) expand our sense of community and mutual concern;
- (3) Mentoring Program for Children
 - (a) an additional source of attention, example, and support for children at risk;
 - (b) countering influences to negative exposures that can occur; and
 - (c) use existing programs and develop new programs;
- (4) Concentrated Law Enforcement
 - (a) persistent and enthusiastic attention to public safety issues in public housing;
 - (b) "Officer of the Day" program; and
 - (c) deny a safe haven for criminals and others who abuse our public housing developments;
- (5) Resident Rule Education and Enforcement
 - (a) raise the awareness of resident rules designed to support public housing as a safe and pleasant place to live;
 - (b) provide written standards consistently applied to all; and
 - (c) enforcement that supports good tenants;
- (6) Gun Purchasing Program

- (a) an ongoing efforts to reduce the numbers of weapons in public housing;
- (b) provide financial rewards and immunity for turned in firearms; and
- (c) reduce the dangers by reducing the numbers;

(7) Activities Program

- (a) intentional efforts to ensure that all children in public housing have access to activities that support their needs;
- (b) direct and continuing access to athletics, brownies, cub scouts, etc.
- (c) flower/vegetable garden programs and others that support a sense of community;

(8) Volunteers and Community Service

- (a) a community minded way to bring energy and resources to bare on public housing issues
- (b) community service can have a major impact on litter, playground maintenance, and other concerns; and
- (c) collaborative efforts that help others help themselves.

(9) Resident Recognition

- (a) direct attention to those residents who make public housing a good place to live;
- (b) provision of regular awards, rewards, and appreciation for exceptional residents; and
- (c) recognition for children;

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(10) Jobs Program

- (a) connect with employers willing to support residents with good job opportunities;
- (b) education employers on the powerful impact a job can have on children and families in public housing; and
- (c) seek ways to help residents find, secure, and thrive in a good job.

He explained how the program will work: (1) formation of a Task Force dedicated to bringing each of these 10 efforts to life in our public housing; (2) develop Action Committees devoted to each public housing development; (3) ongoing oversight of the effort by the Housing Authority Board and City Council; (4) ensure that residents have a strong role in each part of For Our Kids ...; (5) maintain a focus that is about identifying and solving problems over blaming or criticizing faults; and (6) For Our Kids ... is about partnership, action and respect.

He said that we have the Housing Authority's staff support, the City's Housing and Community Development Committee's support and the support of residents, interested churches and civic clubs, the police and others. He said we now the support of City Council, the Housing Authority's Board's and the support of the Resident's Council.

Councilwoman Jones said we need to make sure that whatever effort goes forward is that we have the ownership of the community members themselves. She also wanted to make sure that there wasn't a duplication of efforts because there are strong non-profit efforts already taking place.

Ms. Trina Gardner, President of the Resident's Council, said that she is excited about working together to make a difference in the public housing projects.

Vice-Mayor Bellamy said that she tried to bring this issue before Council at their 2002 Retreat, however, for various reasons City Council did not support her plan. Despite that fact, she would wholeheartedly support Councilman Mumpower's efforts because the ultimate goal is to protect our children.

After a short discussion of how to proceed, Councilman Mumpower asked to be allowed the time to lay more groundwork behind the scenes, build the necessary partnerships, gather positive momentum and formulate the Task Force. After those items are accomplished, he would then like to bring the matter back to Council.

CLOSED SESSION

At 5:55 p.m., Vice-Mayor Bellamy moved to go into closed session to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: City of Asheville for the Regional Water Authority of Asheville Buncombe and Henderson; and J. C. Clark. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilwoman Jones and carried unanimously.

At 5:58 p.m., Councilman Dunn moved to come out of closed session. This motion was seconded by Councilman Ellis and carried unanimously.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 5:58 p.m.

CITY CLERK

MAYOR