

Tuesday – October 19, 2004 – 2:00 p.m.  
6<sup>th</sup> Floor Training Room – City Hall

Joint City of Asheville/Buncombe County Special Meeting

Asheville City Council Members Present: Mayor Charles R. Worley, Presiding; Vice-Mayor R. Carl Mumpower; Councilwoman Terry M. Bellamy; Councilman Jan B. Davis; Councilman Joseph C. Dunn; Councilwoman Diana Hollis Jones; Councilman Brownie W. Newman; Assistant City Manager Jeffrey Richardson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Buncombe County Commissioners Present: Chairman Nathan Ramsey, Presiding; Commissioner Patsy Keever; Commissioner Bill Stanley; Commissioner David Young; County Attorney Joe Connolly; County Manager Wanda Greene; and County Clerk Kathy Hughes. Vice-Chair David Gantt was absent.

Mayor Worley and Chairman Ramsey each called their respective meetings to order at 2:00 p.m. and said the meeting will focus on joint efforts in light of the recent Hurricanes Frances and Ivan flood damages.

Mr. Jerry VeHaun, EMS Director, gave a brief overview of the storm damage and a status of assessments.

Ms. Mandy Stone, DSS Director, reviewed with Council and the Commissioners the social impacts of the storm.

Fire Chief Greg Grayson outlined observations and the status of the storm impact from fire, police, building safety and public works prospective.

Mr. Justin DeMello, representing FEMA, updated Council and the Commissioners on FEMA's disaster response.

Mr. Philip Letsinger, NFIP State Coordinator, gave a brief update on flood mapping.

Throughout the presentations, individuals responded to various questions and comments from Council and the Commissioners.

At 3:15 p.m., Mayor Worley and Chairman Ramsey adjourned their respective meetings.

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CITY CLERK

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MAYOR

Tuesday – October 19, 2004 - 3:15 p.m.

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor R. Carl Mumpower; Councilwoman Terry M. Bellamy; Councilman Jan B. Davis; Councilman Joseph C. Dunn; Councilwoman Diana Hollis Jones; Councilman Brownie W. Newman; Assistant City Manager Jeffrey B. Richardson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

**FIRE AND RESCUE NATIONAL ACCREDITATION PROCESS**

- Fire Chief Greg Grayson said that that this is the consideration of a resolution adopting Asheville Fire Rescue's Strategic Plan and Standard of Response Cover.

Fire and Rescue staff has been working diligently for several years towards meeting the national fire and rescue services accreditation standards. Staff has now completed the requirements to be reviewed by the Commission on Fire Accreditation International (CFAI). A site visit by peer reviewers is scheduled for November with award of accredited status slated for February, 2005. If all requirements are met, Asheville Fire and Rescue will become the eighth accredited fire and rescue agency in North Carolina and the first

accredited agency in Western North Carolina. Prior to the site visit by CFAI, City Council will need to endorse the department's standard of cover and strategic operating plan.

Asheville City Council has directed staff to validate levels of emergency services provided for our citizens through the City's Strategic Operation Plan. It meets that goal in the section on Critical Services and Infrastructure, Goal 3 – Strong City and County Partnerships; Objective 1 – Review and validate the levels of critical emergency services provided throughout the city; Task 3 – Review and validate the levels of critical emergency services provided throughout the city.

The recognized national model which a fire and rescue agency validates their services is through the CFAI accreditation commission. The CFAI accreditation commission is comprised of fire service leaders from agencies of differing size as well as the International City Manager's Association (ICMA), city government, county government, the insurance industry, labor representatives, the International Association of Fire Chiefs (IAFC) and citizens at large.

At this time, the accreditation process is completely voluntary and has been in full effect for approximately the past five years. To date, within the State of North Carolina, there are seven accredited fire and rescue departments (Cary, Charlotte, Gastonia, Greensboro, Jacksonville, Rocky Mount, Wilson). Nationally, 96 agencies have received accredited agency status. Many more departments are currently at some point in the process. All metropolitan fire and rescue departments in North Carolina are involved in the CFAI accreditation process.

The accreditation process has several key components. Over eighty (80) members of the fire and rescue department have been actively involved in formulating these three key components. These include:

### 1. Performance Indicators

There are 254 individual performance indicators that analyze department operations. Of these 254, 108 indicators are considered "core competencies" and must be met in order to become an accredited agency. The indicators are in the following categories:

- a. Governance and Administration
- b. Assessment and Planning
- c. Goals and Objectives

-2-

- d. Financial Resource Management
- e. Programs
- f. Physical Resources
- g. Human Resources
- h. Training and Competency
- i. Essential Resources
- j. External Systems Relations

### 2. Strategic Operating Plan

The strategic plan for the department would parallel the City's Strategic Operating Plan and give the department a specified work plan that goals and objectives can be formulated from. It is envisioned that the department's strategic operating plan be adjusted at least annually in concert with modifications of the city's strategic operating plan.

### 3. Standard of Cover

The standard of cover illustrates the department's level of service. This is developed from a risk assessment that consists of the following:

- a. Fire flow – amount of water to control the emergency
- b. Probability – likelihood that a particular event will occur within a given time
- c. Consequence – life safety as well as economic impact
- d. Occupancy Risk – risk to life and property
- e. Fire Management Zones – geographical areas of need or risk
- f. Community Profile – demographics, level of services provided

In addition, the standards of response coverage consists of three key elements. These are:

- a. Distribution of resources – deployment of facilities and apparatus
- b. Concentration of resources – ability to deliver and effective response force
- c. Staffing levels – personnel and their task assignments

Completion of the comprehensive standard of cover document for the department has required a significant amount of research and data collection and data analysis by our firefighters.

### Why should Asheville Fire and Rescue become an accredited agency? (PROS):

- Assures City Council and our community that the fire and rescue department is performing according to national standards and that the organization is being managed in a professional manner.

Ensures that we have proper procedures, policies and guidelines in place and that we are delivering the services needed by our community through risk analysis.

- Promotes excellence within the fire/emergency service organization.
- Encourages quality improvement through a continuous process.
- Provides assurance to the public that the department has a defined mission and related objectives that will result in improved performance by the department.
- Provides a detailed evaluation of the department and the services it provides to the community that we serve and protect.
- Identifies areas of strength and weakness within the department.
- Provides a forum for the communication of management and leadership philosophies throughout the organization and community.

-3-

- Provides a formal mechanism for developing concurrent documents, such as strategic and business plans and continuously analyzes all of the services that the department is involved with.
- Fosters pride in the organization and promotes professionalism.
- The strategic plan for the department would parallel the City's Strategic Operating Plan and give the department a specified work plan that goals and objectives can be formulated from.

#### Concerns (CONS):

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There have been no cons identified with the accreditation process for Asheville Fire and Rescue Department at this time. The effort and energy to perform the key components of the process have been completed. There are no substantial continuing costs in maintaining accredited agency status. Re-accreditation is on a five calendar year cycle.

City staff recommends City Council allow the Fire and Rescue Department to complete their accredited agency status from CFAI by giving their support to the Asheville Fire and Rescue Department's Strategic Operating Plan by adoption of the standard of response cover document for the Asheville Fire and Rescue Department.

Fire Chief Greg Grayson responded to various questions from Council.

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

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#### BUNCOMBE COUNTY SCHOOLS ACHIEVEMENT UPDATE

Buncombe County Superintendent of Schools Cliff Dodson and Mr. Roger Aiken, Buncombe County School Board Chair, gave City Council a brief report on the testing scores.

Mr. Dodson reported that the System-wide SAT average of 1068 is (1) 42 points higher than national average; (2) 62 points higher than state average; (3) Highest total mean score in NC among school districts with more than 2 high schools; and (4) Fourth highest out of the state's 117 school districts.

Other achievements noted are: (1) Record-breaking End-of-Grade and End-of-Course scores; (2) 95% of schools achieved expected or high growth status compared to the state average of 75%; (3) 21 Schools of Excellence; (4) 12 Schools of Distinction; (5) 68% of schools achieved high growth status compared to the statewide average of 35%; and (6) 53% of schools recognized as Schools of Excellence compared to the state average of 27%.

Mr. Dodson reported that (1) Enrollment increased by more than 400; (2) 10-day headcount totaled 25,274; (3) Widespread growth expected to continue; and (4) Requesting additional positions from DPI.

Mr. Dodson stated that Buncombe County Schools has 3,846 students enrolled within the Asheville city limits.

Discussion occurred on various topics raised by City Council, e.g., drug testing, consolidation, etc.

On behalf of City Council, Mayor Worley thanked Mr. Dodson and Mr. Aiken for sharing this important information.

-4-

At 4:50 p.m., Mayor Worley announced a short recess.

#### DEVELOPMENT REVIEW PROCESS TEAM

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##### **Recommendations**

Mr. Russ Martin, Chair of the 2004 Development Review Process team, presented Council with suggestions to improve the

development process.

As part of the Fiscal Year 2004-05 budget approval process, City Council members requested that a task force be created to evaluate the current processes. Approximately 50 citizens were invited to participate, with as many as 34 citizens attending various meetings. Ideas were developed by the citizens who attended the various meetings, representing the following groups: Architects/Engineers/Designers and Surveyors, Business Owners and Manager, Commercial Contractors & Developers, and Residential Contractors & Developers.

Mr. Martin reviewed with Council the following recommendations:

1. Advocate that major changes be made to the Unified Development Ordinance (UDO).
  - Limit City Council reviews
  - Only those processes that are statutorily required should go to Council (rezonings)
  - Eliminate Level 3 Conditional Use Permits from Council approval
  - Eliminate the formal Technical Review Committee (TRC) reviews since they add delays to the process; recommend informal TRC reviews at least twice a month
  - All non-conditional use projects that meet the UDO and engineering specifications should be approved at staff level.
  - Recommend maximum approval times of Level 1 – one week; Level 2 – three weeks; and Level 3 – five weeks.
  - Reformat the content and presentation of the UDO to be more user friendly (tables, drawings, charts, etc.)
  - The time required to upgrade to current code a non-conforming structure that becomes vacant should be extended to 12 months
2. Restructure some processes to provide for “communication” among parties earlier in the process.
  - Consolidate all forms into one document and designate one location for drop-off of plans for necessary approval for all permits. Utilize technology to coordinate the process
  - The turnaround times for permit and plan review approvals need to be reduced, as previously recommended, even if additional staff is required
  - Need a City staff expeditor to act on customer’s behalf (someone with authority over all development processes)
3. Streamline the process by eliminating and combining steps.
  - Make new permit application (single form to be developed) available on-line
  - To speed up the approval processes, City staff should be cross-trained on tasks in order for industry to have to contact fewer persons (i.e., consolidation of inspectors). Example: Driveway inspections by building inspector.
  - Trade permits (electrical, mechanical, and plumbing) should be activated at the time the building permit is approved if subcontractors are known (goal is for the unknowns to be able to call theirs in by phone)
  - New contractors should be able to apply and pay their initial tax privilege license at the “Development Services Center”
- 5-
- There should be an option of backflow devices being installed on the interior of structures instead of outside in vaults (local regulations should not exceed state law)
4. Establish a “common sense” culture among staff and commissions.
  - Adopt a comprehensive “business friendly” attitude. Both sides to understand expectations of each other. Time is money.
  - Need a balance of having an ISO # 1 rating vs. time and money factor for business/community
5. Eliminate conflicts between ordinances, standards, and codes.
  - Recommend creation of an industry review committee to be involved in changes to the “Asheville Standard Specifications and Details Manual” (updates to come to Council in November)
  - Code interpretation and review shall be consistent between plan reviewers and inspectors as well as among inspectors
  - Eliminate City approval on driveway permits when NC DOT approval is required
  - Recommend the Landscaping/UDO final inspection for commercial projects be done by Planning staff instead of Building Safety’s building inspectors
  - Provide incentives (less fees and charges) for installation of fire sprinklers (the State Code provides trade-offs for sprinklers; the Water Authority’s fees and policies discourage installing sprinkler systems)
6. Improve permit coordination with outside agencies.
  - Street address assignment to occur at the beginning of the permit process (to help all departments and agencies including the utility companies)
  - Develop computer links with outside agencies (MSD, Air Quality, NC DOT, etc.) as well as other internal departments, i.e., Water, Planning, etc.
  - Recommend payment of MSD fees at a time nearer to the final inspections
7. Create more effective education and informational tools (checklists, guides, etc.).
  - Develop educational programs on the development process and building in the City (Cable TV program, first timers

- orientation video, etc.)
  - Recommend annual review/update and publishing of Development Guide
8. Strengthen communication between City and industry.
- Support Building Safety's "Adopt 100 Customers Program" to develop partnerships and better communication
  - City should develop an e-mail "Development eNews" for industry
  - Current turnaround time should be tracked for the different types of approvals and posted on the City website
9. Employ technology when and where practical for both City and industry.
- The current Internet eGov system needs to be enhanced to do permits on line and provide real time information concerning the status and details of projects in review
  - Consider other enhancements that are business friendly and provide time savings to industry
  - Provide regular customer feedback and training opportunities (classroom sessions, etc.)
10. Encourage development via performance based standards and ordinances.
- To encourage development the City, not the developer" should pay for public infrastructure (sidewalks, hydrants, etc.)

-6-

Finally, the Task Force recommends an implementation follow-up at 3, 6 and 12 months.

City staff recommends that Council receive the Report from the Task Force and thank them for their service. On November 19, 2004, at the Fall Developers Forum with the City Manager, staff will present an update, and receive more feedback from the industry on revising the Development Process. An implementation plan will be presented to City Council in coordination with the 2005-2006 budget process.

Mr. Martin responded to various questions and comments from Council regarding the recommendations, some being, but are not limited to: how can we made the computer version of the UDO more user friendly; was the one-stop permitting center explored by the Task Force; and is there a problem of one inspector inspecting the property and then another one after that finding other violations.

Mr. Martin felt that some members of the Task Force should be part of an advisory committee so that when changes are proposed, they can provide their input.

Councilwoman Jones said that when Council forms a task force, what the expectations are on the citizens that invest their time is always a concern for her. For example, the recommendation about changes to the UDO, there are a lot of other groups in the community that would need to discuss that. She didn't want the Task Force to think that Council wasn't hearing the recommendations, if they don't implement them all. The timeline is very aggressive and Council is in the midst of recruiting a new City Manager and implementing their strategic plan. In fact, the Downtown Social Issues Task Force has worked two years on their recommendations, which City Council is just now in the process of prioritizing. She noted that a lot of the Task Force's recommendations are great, but most of them require funding. She asked if there was any sense if the Task Force members were open to understanding that the better delivery of service could translate into a higher fee.

Mr. Martin responded that the Task Force understood that possibility, however, some recommendations will be cost savings in the long run. Although the Task Force's implementation follow-up at 3, 6 and 12 months is a goal, they really would like some feedback so they know something is progressing and the City is taking seriously what their recommendations are. In addition, the Task Force members would like the opportunity to approach Council and advise them of their experience on the Task Force and explain some of their recommendations.

Vice-Mayor Mumpower said that through the work of the Task Force, we can make a meaningful, lasting impact in this area.

Upon inquiry of Vice-Mayor Mumpower, Mr. Martin said he was certain some of the Task Force members (including himself) would participate in an advisory body to assist staff with pragmatic implementation of some of these policies, if Council appointed such a body.

Upon inquiry of Councilman Newman, Mr. Martin said that timeliness of the review process was the most important issue to the Task Force members. He said they did recognize fees, however, they didn't dwell on the fee structure in that timeliness was the overall factor. He did not get a sense that the Task Force members would object to fees being raised if they were reasonable and justifiable.

There was discussion about how long it would take City staff to report back to Council with an implementation plan.

Assistant City Manager Jeff Richardson pointed out that this is one of Council's goals in the Strategic Plan. The goal is for an efficient and economical permitting process. One of the

-7-

objectives is to improve the plan review process by enhancing effectiveness in customer service. On a parallel track to this Task Force,

Mr. Summey, his staff and other department directors have begun to look internally at what we can do to improve and streamline the process; improve customer service; and meet the direction and expectations of City Council. He felt it would be appropriate for Council to give Mr. Summey and his staff an opportunity to look at the recommendations and report back to Council, recognizing that on a quarterly basis, we are formally reporting to Council on the entire Strategic Plan. With regard to the involvement of the Task Force, we will look for Council direction, but it will continue to be a public process.

Mayor Worley said that some recommendations may be capable of fairly short-term implementation, but short-term implementation may mean from 2 weeks to 6 months. Other recommendations are clearly longer-term processes. For instance, major changes to the UDO needs a lot of input. He tends to see staff melting the recommendations in with their own process and then meeting again with the Task Force of those who are willing to continue to serve in an advisory capacity. If there are recommendations that are not doable, the Task Force needs to hear from staff why and what the problems are in trying to implement them. The Task Force may also have some better ideas on the doable things. He felt the dialogue needs to continue in some fashion, but we need to not have an expectation that this is a 2-6 month process, but a process that will take us through the 2005-06 budget process and we may have pieces that are not implemented a year from now.

Councilwoman Jones felt these recommendations should be on a parallel track similar to other committee recommendations that Council prioritizes and interfaces them with budgetary issues. While she felt the recommendations are great and would like for staff to give Council a report on them, she gets the sense that the Task Force is pre-empting Council's role and she is a little uncomfortable with that.

Vice-Mayor Mumpower felt we should follow whatever has merits, whether it is this effort or another one, and based on those merits move forward as quickly as we can. He didn't think Council should just receive the recommendations and disband the Task Force. He said there is a difference between an implementation plan and implementation of that plan. He suggested we ask our staff what is a reasonable period of time to develop an implementation plan, that we keep the Task Force involved in some level and then we be patient with the fact that it takes time to implement these things, some which may not be appropriate.

Councilman Davis liked the Task Force's recommendation regarding follow-up in 3 months. That will give staff time to review the recommendations and see what they feel is workable. Then a follow-up at 6 months and a year all make sense to him.

Mr. Martin felt the Task Force would be glad to reconvene at Council's discretion to hear updates and be a part of this process. It is important to them to know that the 347 hours they spent in developing the recommendations haven't been swept under the rug.

Councilman Newman was interested in staff's perspective on which recommendations what they think they can incorporate. He felt Council should have a discussion, before the next budget cycle, about what Council thinks about the recommendations because some are public policy matters that City Council needs to determine whether they want to proceed with or not.

Mayor Worley said that if we accept the recommendation of the Task Force for a 3, 6 and 12-month follow-up, the 3-month follow-up would be a good opportunity for City Council to have some discussion on the recommendations. He felt City staff could move toward an implementation plan at the 3-month level, but it doesn't have to be a full-blown implementation plan, if Mr. Summey's department has other pressing issues.

-8-

Vice-Mayor Mumpower felt this is one of the most important things that Council can undertake and he supported a 3-month process to develop an implementation plan.

Councilwoman Jones was concerned how staff will develop an implementation plan if they assume all of the recommendations are viable, equally prioritized options. They may be moving forward in a direction where City Council doesn't want to go.

Mayor Worley said that there is the Fall Developers Forum on November 19 at which time there will be additional input. He felt that Council should move forward with a 3-month timeframe to get an update and some implementation plan on those things that don't require significant Council policy decision-making as a part of the process and costs associated with the implementation. Also at the 3-month follow-up Council can have their discussion and input on some of the main policy issues and set the direction for some of the bigger items.

Councilwoman Jones felt that Council is being held to an external pressure that doesn't recognize everything else is being balanced. She's not advocating putting this on a shelf or dragging our feet, however, she does feel like some of the pressure is not folding into our larger reality.

Building Safety Director Terry Summey said that even with his Department's tremendous workload increase relating to the two floods, he felt he could have some type of implementation plan for Council's review in 3 months, noting that some of the recommendations will be split up amongst different City departments, e.g., Water Resources Department, Engineering Department, Planning & Zoning Department, etc.

### **Affordable Housing & Building Safety Fees**

Building Safety Director Terry Summey said that this is the consideration of amending the Fees & Charges Manual to implement

portions of the City Council's 2004 Strategic Operating Plan.

The Fiscal Year 2004/05 budget proposed amendments to the Fees and Charges Manual to promote the construction of Affordable Housing (AH) and provide 95% operational cost to the Building Safety Department. Council members requested that the proposed amendments receive further review from the public. For the past 6 months, the proposed amendments have been in the possession of the public. To date, no objections or changes have been received from the public or the Development Review Task Force. The amended fees incorporate several proposed goals in the Strategic Operating Plan to include the following:

- Housing Opportunities Goal #1: Increased development incentives for AH – Create incentives and revise the permitting process throughout the City to encourage AH.
  - Objective A. Increase incentives to invest in AH (work to decrease fees and revise development specifications).
    - Task#1: Revise fees- (new ranges and reductions) increase AH incentives.
    - Task#2: Increase AH Cap-extension of incentives to ensure more AH
- Economic Development Goal #2: Efficient/economical permitting process – Reform to make more conducive to do business in Asheville.
  - Objective B. Encourage independent business development-reduce permitting costs for subcontractors and small renovation projects.
    - Task #1: Revise fees/charges structure (subcontractors- more work/smaller fee).

-9-

Pros

- Fees support public relations: encourages the development of affordable housing.
- Fee changes support the cost of services provided.
- Public/Industry: No changes or negative comments received in over 6 months of promotion.

Cons - None

Staff recommends City Council adopt the ordinance to amend the Fees and Charges Manual to support AH and the cost of services, effective December 1, 2004.

Discussion occurred as Mr. Summey responded to various questions from Council regarding the fees and the reasoning behind the fees.

City Attorney Oast responded to Councilwoman Newman regarding any legal constraints for waivers, rebates and reductions for permitting.

Mr. Summey noted that the Development Review Task Force said that when fees are waived or rebated, they want the taxpayers (the citizens that pay their annual city/county property tax bill) not the other contractors (paying for permit fees) to subsidize the fees waived or rebated.

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

#### **REPORT ON THE NEIGHBORHOOD/DEVELOPER MEETING PROCESS**

Planning & Development Director Scott Shuford said that City Council requested an update on the Neighborhood/Development (N/D) meeting procedures, which have been in effect for one year.

Three N/D meetings have been held. One was an "informal" meeting that occurred prior to the formal adoption of the process. Two other meetings were formal N/D meetings involving primarily the Kenilworth Forest neighborhood (Foxwood Apartments and May Apartments).

Our experience with these N/D meetings has been mixed. The informal meeting involving a proposed rezoning went relatively well, with the developer agreeing to a number of voluntary concessions that satisfied neighborhood concerns. The two formal meetings were less successful. In general, during these meetings, there was a real difficulty in getting this highly-organized neighborhood to overcome its adamant opposition to these projects in order to allow negotiation and compromise to occur.

Staff still feels that N/D meetings have the potential to be a valuable tool in our development review toolbox. We are reluctant to recommend either for or against continuing the process based on this limited sample. We are taking several steps to improve the process, such as providing a more clear notice letter (establishing meeting goals and expectations), changes to the format of the start of the meetings, and researching successful programs in other areas. We will also work with the Coalition of Asheville leadership to implement their ideas for improving the process.

Despite the limited success of N/D meetings to result in a less antagonistic development review process, staff recommends that

we continue with them for another year. We would like to have experience with other development projects and other neighborhoods before coming to a final decision about whether or not to continue with this type of public involvement.

-10-

Upon inquiry of Vice-Mayor Mumpower, Mr. Shuford said that he would look for ways in which to address incentives for neighborhoods to participate in this process.

Ms. Barber Melton, representing the Coalition of Asheville Neighborhoods, felt they could enhance the process.

It was the consensus of City Council to continue with Neighborhood/Developer meetings for another year and report back with their findings after that year.

### **FISCAL IMPACT ANALYSIS REPORT**

Planning & Development Director Scott Shuford said that City Council recently debated the advisability of rezoning a property for possible nonprofit use and directed staff to prepare a report on this subject for Council consideration.

Planning staff has researched this issue. Usually when communities have concerns about this type of issue, they utilize a tool called "fiscal impact analysis" to address their concerns.

There are two basic types of fiscal impact analysis – comprehensive and development review. Comprehensive fiscal impact analysis looks at the community as a whole and is used for a variety of purposes, ranging from alternative development pattern analysis to capital improvement programming to operational budgeting to coordinating levels of service to determining intergovernmental impacts of development.

Mr. Shuford reviewed with Council details about this form of fiscal impact analysis, but did not recommend that such an effort be undertaken at this time.

The second type of fiscal impact analysis occurs as part of the development review process. In areas where they are allowed, impact fee exactions are one form of assessing new developments for their service impacts. Since that option is not available to us, we suggest that if Council is interested in adding fiscal impact analysis to our development review process, that we clearly identify the scale of development to which to apply the fiscal impact analysis "tool" (staff recommends Level III projects) and the types of services to be analyzed (staff recommends only analyzing public safety services - we already address water, sewer and transportation using existing requirements such as allocation commitments and traffic impact analyses; schools are largely the County's responsibility and they can project future needs in the City by examining zoning patterns; and we are in the process of preparing an open space ordinance for Council's consideration).

Finally, since there is interest in managing our fiscal matters through land use planning, staff recommends that Council direct City staff to (1) prioritize instituting a higher land value zoning along selected corridors, the river district and in neighborhoods where a plan for such development has been prepared (e.g., WECAN); and (2) add a public safety impact as part of our large scale development review process as an eighth condition to the conditional use process.

Several comments and concerns were raised, including, but not limited to, the schools impact regarding development review and what is the impact of non-profits.

Councilman Newman requested additional information on what the current policy is regarding exemptions for non-profits and what the process would be if Council proposes to the State a more fair policy. In addition he would like to have information on how the current tax-exempt developments are impacting our community.

-11-

Regarding the amendment to the Unified Development Ordinance (by adding an eighth condition to the conditional use process), Mr. Shuford said that he would draft a condition and then see how we might apply it in a particular circumstance. Then, he will report back to Council to make sure that they have some level of comfort with the condition and then seek feedback.

It was the consensus of City Council to direct staff to (1) prioritize instituting a higher land value zoning along selected corridors, the river district and in neighborhoods where a plan for such development has been prepared (e.g., WECAN); and (2) add a public safety impact as an eighth condition to the conditional use process.

### **DESIGNATION OF A LOCAL HISTORIC LANDMARK – RICE CORNELL BROWN HOUSE ON RICE BRANCH ROAD**

Planning & Development Director Scott Shuford said that this is the consideration of a motion setting a public hearing on November 9, 2004, to designate the Rice Cornell Brown House on Rice Branch Road as a local historic landmark

The proposed landmark designation consists of the Rice-Cornell-Brown House with its ca. 1850 original portion and subsequent



1890, 1927 and 1953 additions; a ca. 1848 cabin moved to the site in 1975; a ca. 1848 pig pen moved to the site in 1975; a ca. 1848 smoke house moved to the site in 1975; and a tool shed built in 1953, all of which are contributing structures. Also included is a 1968 horse barn, which is a non-contributing structure.

The Rice-Cornell-Brown House is an assemblage of three main side-gabled blocks that reflect the century long development of the house from a single-pen, log cabin to a modest but well crafted log and frame house that retains integrity from each of its periods of development.

The original structure of the Rice-Cornell-Brown House was a one and one-half story plus loft, one room log cabin constructed of half dovetailed, hand hewn logs. The 1890 addition, which extends to the east, is wood frame construction with unpainted clapboard siding and a side gabled roof of asphalt shingles. The inside of this addition exhibits more detailing than the original one-room cabin with beaded ceilings and plaster walls. The 1927 one room addition, located to the southeast of the 1890 addition, is of frame construction, unpainted clapboard siding and gable roof with asphalt shingles, similar to the 1890 addition. Inside the walls and ceiling are of rough sawn boards. The 1953 addition built on the south side and extending the full length of the original cabin has stained board and batten siding with a low pitched gable roof of asphalt shingles. The interior was designed to be in keeping with the rustic style of the rest of the cabin.

The Rice-Cornell-Brown House, the site, as well as the additional structures and outbuildings, with a period of significance from 1848-1953, are historically significant for their contribution to the broad pattern of history of the Beavertown Valley. They represent the evolution of a small log cabin that housed subsistence farmers, into an early 20th century working farmstead. Additionally, the House is significant as it is the most architecturally intact of only two examples in the County exemplifying the use of native materials and mid-nineteenth century log cabin construction techniques and the later evolution of the building as the family grew and prospered.

The additional mid-nineteenth century log house and structures moved to the site in 1975 are also important as both historic and architectural reminders of the widespread use of this house form throughout Buncombe County. These structures would have been demolished if not moved from their original site.

The Rice-Cornell-Brown House was listed on the National Register of Historic Places on December 24, 1998. The listed property includes a 26-27 acre tract of land, which is the residual

-12-

acreage of the tract that was farmed by the J.O. Rice family, builders of the original log portion of the house. The current landmark designation would only include a 6.71 acre portion of that larger tract. The 6.71 acres being the location of the original house and contributing outbuildings. The remainder is a separate 20 acre tract, which is currently in forest use and maintained under a forest management plan.

Designation of this site as a local historic landmark makes the property owner eligible for a 50% reduction in local property taxes. Currently the tax appraisal for the property included in the proposed designation is \$224,200. If the property is designated as a local landmark the potential tax savings for the property owner, including city, county and school taxes, would be \$1479.72.

Although designation of the property places no obligation on the property owner to provide public access to the property, the Browns while being good stewards of the land and structures have allowed and encouraged public access to many organizations and other groups over the years, such as high school clubs, church groups, the Preservation Society and very recently the Sons of the Confederacy, just to name a few.

The ordinance designates the Rice-Cornell-Brown House as a local historic landmark. The property included in the designation consists of Rice-Cornell-Brown House and the 1.61 acre parcel on which it is located. The designation also includes the exterior of the house, some interior details and landscape features.

When a property is designated historic, restrictions are placed on the property, and any modification to the land or structure must receive a Certificate of Appropriateness from the Historic Resources Commission of Asheville and Buncombe County. All improvements must follow the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings. It is important that properties of local significance are preserved and protected for cultural, historic, and economic reasons and for the benefit of future generations.

Pros:

- The designation will provide the property owner with a local property tax deferral that will help with the costs of keeping the structure in good repair.
- A significant property will be recognized for its contribution both architecturally and culturally to the history of the area.

Cons:

- The tax deferral will result in a loss of revenue to the city and county.

Based upon the foregoing, the Historic Resources Commission recommends that the Asheville City Council adopt an ordinance designating the Rice-Cornell-Brown House, as a local historic landmark. Staff concurs with the recommendation of the HRC for this designation.

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 November 9, 2004, formal City Council agenda.

### **TRAFFIC CALMING UPDATE**

City Traffic Engineer Anthony Butzek said that in February 2000, City Council adopted the City's Traffic Calming Policy, setting forth policies for the installation of traffic calming on City streets. At this time, a demonstration project had already been completed on Lakeshore Drive. The first five projects under the new policy were completed between winter 2002 and spring 2003. These projects were 1) South French Broad Avenue, 2) Wyoming Road, 3) Caribou Road

-13-

and Booker Avenue, 4) Florida Avenue and Dorchester Avenue, and 5) Gracelyn Road and Ottari Road. The work was completed by private contractors and administered through the City's Engineering Department. It has been, and continues to be the policy to distribute these projects geographically within the City.

In May 2003, the City issued a request for bids for the next project, Murdock Avenue in north, and Ridgelawn Road and Wellington Road in west. Due to the inability to obtain a contractor at a reasonable price, we have not been able to award a contract for the work. The Public Works Department has agreed to fit the work into their schedule. Concrete work (islands and chicanes) is expected to be completed by April 2005, and asphalt work (humps) is expected to be completed in Fall 2005.

The next project scheduled using money allocated by City Council is Kenilworth Road. City staff plans to complete preliminary plans by the end of year 2004 for the neighborhood to undertake the petition process. Funds allocated by Council for traffic calming is \$50,000 a year and the funds allocated for '04-'05 and '05-'06 are planned to be used for the Kenilworth Road project.

Several projects are scheduled, in which construction is being funded in conjunction with private development, but designed and administered by City staff. This includes Redwood Forest in east, and Shiloh in south. We plan to request bids on Kenilworth, Redwood Forest, and Shiloh as one project, which will be dependent on receiving required petitions expeditiously. Given past history, this process could take between one and two years, depending on community response and competitiveness of bids.

The engineer's estimate for the most recent project was about \$77,000 per mile of traffic calming. The most recent bid for same was about \$114,500 per mile. We believe the engineer's estimate is reasonable, and that the contractor's bids were excessive due to lack of local competition, particularly in the asphalt industry.

At this time, we have not prioritized future projects beyond Kenilworth Road. We have requests for traffic calming on about 300 street segments in the City, totaling about 100 miles of streets. The streets which appear to be most impacted by existing traffic, based on measured traffic volumes and measured speeding are:

- Cedar Street and Wood Avenue, 0.74 miles
- Kimberly Avenue and Edwin Place, 1.65 miles
- Montford Avenue, 0.89 miles
- South French Broad Avenue (Phifer to Livingston), 0.47 miles
- Edgewood Road (north), 0.36 miles
- School Road East, 0.52 miles
- Chestnut Street, 1.12 miles
- Bear Creek Road, 0.73 miles
- London Road, 0.70 miles
- Burton Street, 0.56 miles
- Hanover Street, 0.50 miles
- State Street, 1.00 miles
- Forest Hill Drive (Wyoming to Biltmore), 0.23 miles
- Westwood Place, 0.70 miles
- Shelburne Road, 0.67 miles

-14-

These total to 10.84 miles. In addition, there are many more residential streets on which traffic volumes are relatively low, but speeding is particularly prevalent, including Cisco Road, Michigan Avenue, and Riverview Drive.

#### **Pros of traffic calming**

- Speeding is significantly reduced
- Need for enforcement is significantly reduced

Quality of life is improved for residents of streets

- Can include aesthetic enhancements to support community

#### Cons

- Costs for installation
- Require maintenance
- Some opposition to measures (minority of residents)

Traffic calming supports an efficient transportation system by managing traffic demand in neighborhoods.

Upon inquiry of Councilwoman Bellamy, Mr. Butzek said that after the Kenilworth Road project, they will go back to the data they have on the top streets listed above and re-prioritize based on the system that was created with the policy, which is based on the speed along the street, volume on the street and some other geometric factors.

In response to Councilman Davis regarding bidding the work vs. using City forces, Mr. Butzek said that the current plan is to continue to bid the projects and to meet with contractors to find out why they are not bidding so we can get a more competitive process. We are still optimistic that is still a workable solution, because using City forces takes them away from their already prioritized work schedule.

Councilman Davis said that traffic calming has become the things that neighborhoods want the most because it is popular to talk about. However, some neighborhoods who had traffic calming installed are unhappy with speed humps. He is concerned we have a monster and is not sure how we can pay for all the traffic calming. He senses this may be a tread that we see with all kinds of developments, but Council needs to be cognizant that this is very expensive work.

Mr. Butzek said that traffic calming is being more prevalent nation-wide in cities and the residents on the street tend to be happy with the project, although the people driving through are inconvenienced slightly by it.

Upon inquiry of Councilwoman Bellamy, City Engineer Cathy Ball said that regarding maintenance of the islands, we typically try to get a contract with the community to maintain the islands. It was never the intent to use traffic calming money on maintenance. Councilwoman Bellamy responded that it's not realistic to think that we can get neighborhoods to cut the grass every two weeks, so we need to re-think the feasibility of what we are implementing in neighborhoods.

Vice-Mayor Mumpower said there is a point of balance between cost and impact. He said that one of the most cost efficient traffic calming methods is speed humps. Since we have very limited funds, he hoped we would look for ways to spread it out as much as possible and if we have a choice between elaborate concrete work or speed humps, he hoped we would use a the cost-effective effort.

Mr. Butzek said that even though speed humps are the lowest costs, however, in terms of effectiveness, it tends to be more effective to have a mix of measures.

-15-

Upon inquiry of Councilman Dunn and Councilwoman Jones, Mr. Butzek reviewed the traffic calming policy with regard to obtaining signatures on the petitions, who is eligible to sign, and is there a time limit on when a petition is completed.

Councilwoman Jones felt that the City should add another variable in their criteria when they look at prioritizing streets for traffic calming. That variable should be future development in the area. Another time-saver variable might be to review the top neighborhoods already identified for traffic calming and to see if they can make the 40% petition requirement.

#### **RESOLUTION NO. 04-227 - RESOLUTION SETTING A PUBLIC HEARING ON NOVEMBER 9, 2004, TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR HIGHWATER CLAYS**

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Economic Development Director Mac Williams said that this is the consideration of a resolution setting a public hearing on November 9, 2004, to consider an economic development incentive grant for Highwater Clays.

City Council approved a grant to HighWater Clays in June 2003 and the required performance agreement was signed. In February 2004, HighWater Clays asked to revise that agreement as they anticipated investing a significantly higher amount than was originally programmed. It was determined that a brand new agreement would be needed, including going through the public process again, versus simply revising the original agreement.

Based on new information, the capital investment, for purposes of determining a grant amount is now \$1,560,000 (vs. \$750,000 originally) in building renovation and new equipment. Further, the owner states that the number of new jobs created will go up from 5 to 7 and that the average hourly wage will go up to \$10.43 from \$9.00.

As an incentive, Council originally agreed to \$7,500 payable in two equal installments. For the new grant, it is proposed to offer \$31,000 payable in equal installments over five years.

Support statements:

- Grant supports expansion of local small business. This supports Strategic Plan: Key Area – Economic Development Goal 1, Objective A.
- HighWater Clays continues to invest in riverfront area.

Staff recommends approval of the resolution setting a public hearing on November 9, 2004, to consider an economic development incentive grant to HighWater Clays.

Councilwoman Jones moved to waive the rules and take formal action at this meeting. This motion was seconded by Councilman Dunn and carried unanimously.

Mayor Worley said that members of Council have been previously furnished with a copy of the resolution and it will not be read.

Councilwoman Jones moved for the adoption of Resolution No. 04-227. This motion was seconded by Councilman Dunn and carried unanimously.

#### **RESOLUTION BOOK NO. 28 – PAGE 404**

-16-

#### **KINDNESS CAMPAIGN**

Vice-Mayor Mumpower introduced Dr. Barry K. Weinhold who said that the Kindness Campaign has been utilized successfully in 11 other U.S. cities to bring positive changes to the culture of those cities.

He gave a brief background of the Kindness Campaign by saying that (1) a primary prevention program started in 1994 that focuses on creating communities of kindness; (2) designed to recognize positive behaviors in order to create a more positive community, school, family, and workplace climate; (3) basic premise is to eliminate a negative behavior (criminal acts, hatred, discrimination) and focus on it's opposite – kindness; and (4) started in over 600 schools in the U.S. and Canada and 11 other U.S. cities.

The goals of the Kindness Campaign are (1) to help create a more positive climate in schools, communities, families and the workplace; and (2) to create primary prevention programs in communities that address the underlying causes of community, school, family and workplace violence by promoting the collective recognition of acts of kindness.

Dr. Weinhold reviewed the outcomes of the Kindness Campaign. He then said that successes to date for the Kindness Campaign Asheville include (1) selected Citizen-Times as media sponsor; (2) enrolled 50 volunteers; (3) enrolled RiverLink as community sponsor; (4) received grant from Jubilee to purchase buttons; (4) distributed about 2,000 buttons since August, 2004; (5) presented Community of Kindness Awards to Progress Energy and to three area residents; (6) scheduled community kick-off meeting for October 22, 2004, at the First Baptist Church; (7) published article on Kindness Campaign in Asheville in Spirit in the Smokies magazine; (8) Earth Fare offers gift certificates to award winners; and (9) began forming a Community Advisory Board.

Dr. Weinhold asked for City Council support of this Campaign by being models of kindness and encouraging City employees to become part of the Campaign. He invited Council to the kick-off meeting on October 22, 2004.

#### **BOARDS AND COMMISSIONS**

It was the consensus of City Council to have the City Clerk arrange interviews with Jim Ellis, Kenneth Kaplan, Fred Slosman, Duane Jarnecke and Lisa-Gaye Hall for vacancies on the Alcoholic Beverage Control Board.

It was the consensus of City Council to have the City Clerk arrange interviews with Robert Middlemas, Starr Silvis and Penny Rush for a vacancy for an alternate position on the Board of Adjustment.

It was the consensus of City Council to have the City Clerk arrange an interview with Brian Tuner for a vacancy on the Civic Center Commission. In addition, it was the consensus of Council to appoint George Keller to fill the unexpired term of Peter Crosa, term to expire June 30, 2006.

It was the consensus of City Council to have the City Clerk arrange interviews with Diane Vander Linden, Rudy Rodriguez, Lisa Sarasohn and Melinda Rains for vacancies on the Film Commission. In addition, it was the consensus of City Council to appoint Vice-Mayor Mumpower and reappoint David Schulman, Lee Nesbitt, Steven Lutz, Diedra Smith and Leni Sitnick to each serve an additional three-year term respectively.

-17-

It was the consensus of City Council to have the City Clerk arrange interviews with Joseph Minicozzi and Jerome Jones for a

vacancy on the Planning & Zoning Commission.

It was the consensus of City Council to have the City Clerk readvertise for the vacancy on the Recreation Board.

**ADJOURNMENT:**

Mayor Worley adjourned the meeting at 8:15 p.m.

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CITY CLERK

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MAYOR