

Worksession

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

Absent: Councilwoman Terry M. Bellamy

ADDITION TO AGENDA

- At the request of Councilman Newman, an update regarding Campus Crest was added to the end of the worksession agenda. Staff was instructed to invite the developer and stakeholders to this meeting.

CONSENT AGENDA:

Parks & Recreation Co-Sponsored Events

Summary: The consideration of approving a list of co-sponsored events for 2005.

Several years ago, the Parks and Recreation Department developed a matrix to assist in determining the minimum requirements for an event to be considered for co-sponsorship. This matrix includes specific points given for such areas as economic development, out of town spending, whether the event is designed for raising funds for local charities, or whether the event increases cultural awareness and understanding. A total of 37 events were approved last year resulting in a cost of approximately \$75,000. This year the number has been reduced to 31 and the cost to the city is approximately \$65,000 in in-kind support.

Pros:

- Generates in excess of \$10 million dollars for the local economy
- Provides additional quality cultural programming and diversity
- Allows fundraising opportunities for charities
- Expands and enhances special events and festivals to the City

Cons:

- The city's financial contribution is \$65,000
- Events contribute to decline on infrastructure and equipment provided to the organizers.

The Department requests City Council's approval of this list that will provide authorization for in-kind support by the City.

City staff recommends City Council approval of the list for co-sponsored events in 2005.

Provisions for Malt Beverages and/or Unfortified Wine at Various Events

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at various events.

- The below listed groups have requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at these events.

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- Earth Day 2005, scheduled for April 16, is a celebration committed to raising awareness of the environment and what every person can do to help maintain and improve our world.
- The Mountain Sports Festival, scheduled for April 29-May 1, is an event to draw attention to the vast opportunity for Asheville as a destination for adventure sports.
- The WOXL 96.5 Birthday Bash, scheduled for May 7 in City-County Plaza, will celebrate the three-year birthday of the radio station with food vendors and bands.
- The Larkin event is a wedding scheduled for May 15 on Wall St.
- The A.I.R. Taste of Asheville, scheduled May 21-22, is an event to promote the many independently-owned restaurants in the Asheville area.

- The “Atlantis Party”, as part of the Green Ball, produced by the Asheville Area Arts Council is annual event that serves as a fundraiser. This event is scheduled for June 25.
- Asheville Parks and Recreation produces the 4th of July Celebration and Fireworks spectacular as a community celebration and to attract visitors to the downtown area.
- For many years, the Bele Chere Board, in cooperation with the Asheville Parks and Recreation Department, has produced Bele Chere to bring both citizens and visitors to the Downtown area. This year the request is being made for July 29-30.
- The Asheville Goombay Festival is a unique celebration of African heritage and traditions. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held August 26-28.
- The Asheville Greek Festival is a unique celebration of Greek heritage and traditions at City/County Plaza. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held September 23-25.
- For many years, the Asheville Downtown Association has co-sponsored with the City of Asheville Parks and Recreation to bring both citizens and visitors to the downtown area. These events include: *Moonlight Over Downtown* and four *Downtown After Five* activities.
- The Asheville Grizzlies are a semi-professional sports team that seek to serve alcohol at their home games throughout the summer at Memorial Stadium.

Pros:

- Allows fundraising opportunities for charities
- Generates economic impact for the community
- Provides additional quality cultural programming and diversity

Cons: None noted.

City staff recommends City Council approve the resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at various events.

Street Acceptance of Distant View Drive

Summary: The consideration of a resolution to accept Distant View Drive in South Asheville as a publicly maintained street.

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

Distant View Drive is a developer-constructed street that has an average paved width of 20 feet and a length of 0.48 miles. Engineering Department staff inspected this street and finds it to be constructed in accordance with the approved standards.

Following City Council's approval of this resolution, Distant View Drive will be added to the official Powell Bill list. A two-year warranty, from the time of Council acceptance, will be required by the developer to cover major failures in the roadway.

Pros:

- The City will receive Powell Bill funds from the N.C. Dept. of Transportation to maintain the roadway.
- Homes will be constructed on this roadway increasing the tax base in the City of Asheville.

Cons:

- Powell Bill funds will not cover 100% of the cost to maintain the street.

City staff recommends City Council accept Distant View Drive in South Asheville as a City maintained street.

Minority Business Commission Appointments

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

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

The composition of the Minority Business Commission consists of 11 members, 9 of whom are nominated by various groups and two of whom 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. Karen Ballard, owner of Productive Consulting Resources, has been named by the Minority Business Commission to replace Ms. Claudia Thomas, owner of CAT Network Systems, whose term expired August 2004, as a minority business owner representative. Ms. Ballard's term will run through August 2006.

Ms. Althea Gonzalez has been named by Asheville-Buncombe Community Relations Council (ABCRC) to represent them on the Minority Business Commission. Ms. Gonzalez has been nominated to replace Clara Jeter who resigned. Ms. Gonzalez's term will run through August 2006.

Ms. Althea Goode has been named by Eagle/Market Streets Development Corporation (EMSDC) to represent them on the Minority Business Commission. Ms. Goode has been nominated to replace Thomas Kling who is deceased. Ms. Goode's term will run through August 2007.

Mr. David Price has been named by the Associated General Contractors of America to represent them on the Minority Business Commission. Mr. Price has been nominated to replace

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Wendell Howard whose term expired August 2004. Mr. Price's term will run through August 2007.

The following MB Commission members whose term expired August 2004 have requested reappointment:

Ms. Connie Mitchell	American Institute of Architects (August 2007)
Ms. Carol Hensley	Asheville Area Chamber of Commerce (August 2007)
Mr. Marvin Vierra	Asheville Business Development Center (August 2006)
Ms. Latrella Higgins	Council of Independent Business Owners (August 2007)
Ms. Valerie Dennis	Minority Business Owner (Anaya Gallery) - (August 2007)
Ms. Carmella Watkins	NAACP (August 2006)
Ms. Lisa Slechter	National Association of Women in Construction (August 2007)

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

Housing Trust Fund Loans

Summary: The consideration of a resolution allocating \$370,000 in Housing Trust Fund loans for affordable housing development.

This is the fifth annual allocation of funds from the City's Housing Trust Fund (HTF). The 2005 budget included an appropriation of \$600,000 for the HTF and \$340,000 has accrued in loan repayments, making a total of \$940,000 available for lending. The application process was opened on November 1, 2004, and four applications were received by the January 7th deadline, three of which were viable applications.

The applications were evaluated by a panel of outside experts and then reviewed by the Housing and Community Development Committee. The HCD Committee has recommended funding the following three projects:

Neighborhood Housing Services – 12 units, scattered sites	\$240,000 (2 years at 2%)
Neighborhood Housing Services – 18 units, Brotherton Ave.	\$ 50,000 (2 years at 2%)
Paul Saylor – 2 units, 7 Oakview Road	<u>\$ 80,000</u> (3 years at 2%)
Total (32 units)	\$370,000

Attachments provide a summary of all applications submitted.

It is recommended that the unallocated funds in the amount of \$570,000 be made available on a first come first served basis to qualified projects until exhausted, subject to all HTF criteria, staff review, and Housing and Community Development Committee recommendation.

Advantages:

- Assists the development of 32 units of affordable housing
- 90% of units are for homeownership (last year's projects were 100% rental)
- Remaining funds will be available to developers who were not ready to apply during the short initial application period.

Disadvantages: None

Staff recommends adoption of the Housing Trust Fund loans listed above and the first come first served availability of the remaining unallocated HTF funds.

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

City Attorney advised Council that he will be seeking Council's authorization for an encroachment agreement with Progress Energy regarding re-routing some power lines for the new jail. He said that he will place that item on the next formal meeting Consent Agenda.

STOP THE SIGNS PRESENTATION

Mr. Ashton Walters, representing the Stop the Signs Committee, said that the Stop the Signs Committee is a group of citizens who have organized to promote (1) consistent sign code enforcement; safety; improved aesthetics; and equitable treatment of businesses. They have identified a significant problem with illegal, temporary signs and displays that negatively impact our community.

Mr. Walters said that in March 2004 they wrote to the City of Asheville about the proliferation of illegal signs along our roadways. Then, they began meeting with the Planning & Development staff and the City Attorney to jointly study the problem. Since then, they have watched the continued invasion of our public rights-of-way, roadways and utility poles by many hundreds of illegal signs. Major nuisances include "litter on a stick," vendor advertising, notices nailed to poles, temporary banners, and merchandise displays. City sign enforcement staff have called on merchants to stop, but many citizens and businesses simply choose to continue this illegal form of advertising, in disregard of City sign ordinances and regulations.

They have also met with the N.C. Dept. of Transportation (NC DOT), Progress Energy, Quality Forward and Buncombe County sign enforcement. They have the support of the Coalition of Asheville Neighborhoods (CAN). These groups have provided letters backing their efforts.

In coordination with City staff, they have continuously reported violations, asking that illegal signs be removed. However, sign enforcement staff simply cannot keep up given the limited hours they can spend on sign removal. On days staff are not free to be on the roads, new signs appear again. The current enforcement process is not working. There are approximately 20,000 illegal signs per year in the Asheville area.

Ms. Renate Ridders said that illegal signs are one of the most visible affronts to City management. Their continuing proliferation presents an unresolved enforcement issue for the City. Asheville is a major tourist destination and a leader in attracting new residents. Civic pride should be a high priority for City management and would add to the positive efforts of Quality Forward, the "Keep North Carolina Green and Clean" program, and the N.C. roadside beautification program that we all appreciate.

Illegal sign proliferation constitutes a variety of safety hazards by (1) signs block visibility at intersections; (2) nails in utility poles are a hazard to linemen; and (3) signs distract drivers. Illegal signs reflect poorly on our community as (1) Asheville is known for its scenic beauty; (2) these signs make our city look cheap and trashy; and (3) improving our gateways is a major goal of City Council's Strategic Operating Plan. Also, illegal signs are unfair to law-abiding businesses because they must compete against this illegal form of cheap and abundant advertising.

Their concerns are: safety on our roadways and for utility linemen; using NC DOT and City rights-of-way for private advertising; not allowing illegal advertisers to take unfair advantage of complying businesses; protecting our neighborhood images and property values; presenting Asheville as a clean and attractive community to visitors and citizens alike; and reducing the environmental impact these signs have on roadways and landfills.

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Enhanced enforcement requires (1) prioritizing resources to address the problem; (2) new regulations; and (3) public education.

The City staff currently devotes 15-20 hours per week to sign code enforcement. Enforcement efforts include mailings, site visits and citations. Current resources are inadequate to deal with out-of-town violators, new businesses and repeat violators. Current regulations are heavily constrained by due process issues, making timely enforcement difficult. City staff is developing regulations to expedite and provide more effective penalties for repeat violators. Stop the Signs is providing suggestions for improvement. City staff needs to take significant action, including mass mailings to businesses, site visits, letters and other measures. With Council's direction, staff will inform the public more aggressively through a media campaign.

Stop the Signs' goal is to eliminate all illegal signs. Legal temporary signs need to be more clearly defined and regulated.

The Stop the Signs Committee requests City Council (1) to be aware of the problem and support strong enforcement; (2) consider code amendments being prepared and submitted by City staff; (3) prioritize resources to address the problem; (4) support more aggressive efforts to inform public about sign code enforcement requirements, objectives and penalties for violations; and (5) explore new ways to approach the issue.

City Attorney Oast said that he is researching ways to make it less difficult for staff to remove signs. A lot of concern is from a

safety standpoint in the rights-of-way and with the obstruction of vision. It may be a matter of making the enforcement less burdensome than it is.

Upon inquiry of Councilman Dunn regarding new businesses, Planning & Development Director Scott Shuford said that our Code already has an allowance for temporary signs in order for new businesses to get that initial publicity.

In response to Councilman Dunn about yard sale signs, lost dog signs, etc., Mr. Shuford said that we have a provision in our Code that allows a neighborhood identification sign. That would be the best place for neighborhoods to place those types of signs and to also keep the nice appearance of a community. He said that he will work to inform the public of this solution for these type signs.

Regarding election signs, there are also specific provisions in our Code that allow for them.

Vice-Mayor Mumpower commended the Stop the Signs Committee for their measured, helpful fashion in working with City staff to approach this problem. He wondered if a task force, made up of businesses and neighborhoods, could craft an ordinance and then the City strongly enforce that ordinance. He felt the businesses and neighborhoods might find creative ways to get the signs removed.

Mayor Worley saw less of a need for a task force and major re-writes of our existing ordinance. Our ordinance is being violated and enforcement is the key issue. The City Attorney has noted that he is working on amending our existing ordinance. We need to find an effective way to discourage the people who are putting the signs up and be effective with City resources.

City Manager Westbrook said that we have employees in the Planning & Development Department and the Public Works Department working on sign code enforcement.

Upon inquiry of Vice-Mayor Mumpower, Mr. Jerry Reece, Code Enforcement Officer, said that the City collected approximately \$3,000 from sign code enforcement violations last year.

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Mr. Shuford explained that when illegal signs go up, the City must notify the owner of the violation and then give them 30 days to cure the problem before a penalty can be assessed. What City Attorney Oast is researching is treating the illegal signs to be nuisances, which gives the City a different range of enforcement options – including a ticket for each sign. City Attorney Oast noted that the downside is that a nuisance violation would not apply in the extraterritorial jurisdiction.

When Mr. Shuford noted that some businesses cited find it cheaper to pay our fines than pay for regular advertising, Councilman Newman said that he would support moving to a higher penalty to discourage that type of behavior.

Councilman Davis felt the majority of illegal signs are from commercial vendors. He felt we should be paying particular attention to the repeat offenders and those who are abusing the system.

All of Council agreed that illegal signs are a problem that continue to grow. It was the consensus of City Council to instruct City staff to include information about what constitutes illegal signs on our Government Channel; research whether the public is allowed to remove signs in the City's rights-of-ways or on utility poles; distribute information to sign shops, coffee shops, etc. about what is and what is not allowed; research amendments to our existing ordinance to make it less difficult for staff to remove signs; and research amendments to our existing ordinance for illegal signs being treated as nuisances.

On behalf of City Council, Mayor Worley thanked the Stop the Signs Committee for their support and hard work on this very important issue.

UPDATE TO ABC OPERATIONS

Mr. Curtis Canty, General Manager/Supervisor of the ABC Board, updated City Council on the operations of the ABC Board. He presented Council with a copy of the financial statements for the first six months of their 2004-2005 fiscal year for the period ending December 31, 2004. As the results indicate, the organization has responded very well to the challenges of new growth and new changes that have been implemented in the last six months.

Mr. Canty said that since joining the Asheville ABC Board in August, 2004, he has spent a great deal of time studying the organization, building relationships as he works with his managers and employees and consulting with the Board to bring about needed change. In addition, he has had the opportunity to speak with City Council to share the huge potential and some challenges that face this organization. Early on, he shared with his Board of Directors two key things that needed to be done to position this organization to move forward.

1) **Organize in a way** that better leverages the skills of our people and positions the organization to overcome obstacles that may hold us back from future growth. In early 2004 the consulting firm of Deloitte conducted a review of the Asheville ABC operations. Their review included a detailed analysis of the retail, mixed beverage and warehouse functions and included an extensive review of the administrative processes. He spent time working with the Deloitte consultants and the Board regarding that study. He also engaged many of the employees in group and one-on-one conversations to obtain feedback and share the potential and challenges that face the organization. To that end he has implemented several changes in our management team that will be key to helping us achieve the level of

performance we desire.

2) **Utilize the technology** and other innovations that exist in our industry to make us more efficient. We have entered into new relationships with local providers of customer and

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financial services technology to begin to maximize our efficiencies and leverage the talents of our employees to enhance the customer shopping experience. While we are just in the beginning stages of these changes early indications are we are moving in the right direction.

Also, we have addressed the financial and operational issues raised in the management letters from the 2003 and 2004 public audit by the firm of Crawley, Lee & Company P.A. We have also taken advantage of several opportunities to strengthen internal controls throughout the organization.

Financial highlights of our first six months are listed below:

- Sales for the six months ending December 2004 are up 6.5% over the same period 2003. Inventory levels have been reduced 8% while total sales were increased in the same period as we begin to focus our inventory more towards customer buying preferences.
- July-December 2004 net income (NI) (Excluding the "non recurring" expense of the Biltmore flood) grew 25.6% over the same period 2003. (NI including the Biltmore expense was down 9.7% for the same period.)
- Four of the eight retail outlets posted record NI for the six months ending December 2004.
- July-December 2004 investment income is up 45% over the same period last year.
- Working capital (Current assets less current liabilities) increased 13% over the same period last year.

In addition, the Asheville ABC Board has seen many other achievements and improvements in business practices and accountability. The recent expansion of the Board from three to five members allows for a greater cross-section of ideas and insight that will be helpful to me as the organization moves forward.

He believes the Asheville ABC Board has the potential to be one of the best in the state. He is committed to seeing that potential become reality, and my team and looks forward to the challenges that lie ahead.

Discussion surrounded Mr. Canty responding to various questions/comments from Council, some being, but are not limited to: is the ABC Board retaining too money in their cash reserve; has there been discussion about turning over law enforcement to the City of Asheville; was there a net loss of income in the Biltmore store from the flooding; and how did the ABC Board reduce their employee insurance by 50%.

Upon inquiry of Councilman Dunn, Mr. Canty said that the ABC Board is always open for information that would help them guide their grant process and to fine-tune it towards the needs of Asheville. He explained their grants are for education or rehabilitation. He invited the City of Asheville and the Housing Authority to submit applications through their grant program.

On behalf of City Council, Mayor Worley thanked Mr. Canty for his hard work with the ABC Board and hoped he would report back to Council on a periodic basis.

IMPLEMENTATION PLAN OF DEVELOPMENT TASK FORCE'S RECOMMENDATION

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Building Safety Director Terry Summey said that this is a report from City staff regarding the improvement recommendations from the Implementation Plan for "2004 Development Review Task Force Recommendations."

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As part of the Fiscal Year 2004-05 budget approval process, members of City Council requested that a Task Force be created to evaluate the current development processes. Approximately 50 citizens were invited to participate, with as many as 35 citizens attending various meetings. The Task Force consisting of Architects, Engineers, Designers, Surveyors, Business Owners, Managers and Commercial/Residential Contractors and Developers, developed several recommendations for streamlining the development process. The recommendations consisted of 10 primary focus areas along with a total of 32 ideas of implementation. The recommendations were presented to Council at its October 19, 2004, worksession.

Council asked that a response be brought back to Council pertaining to the Task Force's recommendations. A staff report attaching Staff's Response was presented at the Council's January 18, 2005, worksession. After some discussion, Council continued the matter to its February 15, 2005, worksession due to the absence of Mayor Worley and Councilmember Dunn. In the interim, Council suggested that additional public comment may need to be solicited. City staff held open public forums on February 1 and 3, 2005, at the Public Works Facility. He provided staff's response along with a summary of comments from approximately 50 citizens. Mr. Summey said

that the responses can be summarized by saying that developers, the Chamber of Commerce, Council of Independent Business Owners, Task Force members and CREIA support the recommendations. Most concerns were raised by The Coalition of Asheville Neighborhoods, which do not support items 1 and 10 of the recommendations.

Mr. Summey reviewed with Council the multiple goals of Council's Strategic Operating Plan and how the recommendations from the Task Force addresses the areas. He then presented Council with the Task Force's 10 focus areas with 32 items (color-coded for different actions), public comments and staff responses. He noted that some items will require Council action, some items staff has already implemented and other items are currently in the process of being implemented.

Considerations in implementing the recommendations:

- Greater reliance on staff expertise, and facilitation on development projects
- More business friendly approach to development
- More timely review and approval of projects
- Better communication and coordination with industry

Mr. Summey explained that the following items are recommendations that will require action by City Council in the form of public hearings, ordinance amendments and further changes to the process. He asked for Council direction on the following recommendations:

1 - A We advocate that major changes be made to the UDO

- **Limit City Council Reviews**
- **Only those processes that are statutorily required should go to Council (rezonings)**
- **Eliminate Level III Conditional Use Permits from Council approval**

All non-Conditional Use projects that meet the UDO and Engineering Specifications should be approved at staff level. Let staff do their job.

Mr. Summey and Planning & Development Director Scott Shuford responding to various questions/comments from Council, some being, but are not limited to: how many Level III

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projects come before Council in a year; and how much of a delay is there when City Council is involved.

Councilman Newman said that he hears a lot that people want to see more environmentally sustainable development, more green building, and more projects that integrate market rate in affordable housing projects – opposed to all big luxury condos. That is a good way to reconcile the need for affordable housing in a way that works for neighborhoods. He encouraged the Planning staff to continue thinking about ways that we can reward the kinds of projects that produce the type of community development that he thinks there is a lot of support for in Asheville.

Mr. Shuford understood Council that if the development is the type of development that we are trying to encourage then the review process should be streamlined as much as possible. He said that he would explore some ideas and report back in approximately 30 days.

After discussion, it was the consensus of City Council to keep City Council involved in all Level III conditional use permits.

1-B Eliminate the formal TRC reviews since they add delays to the process; recommend informal TRC reviews at least twice a month.

Mr. Summey and Planning & Development Director Scott Shuford responding to various questions/comments from Council, some being, but are not limited to: does the public provide technical input or is the input aimed toward design or opposition; how often does the public provide technical information for a meaningful impact; what type of candid conversations might be held with developers if we had an informal TRC review; and are we giving more work to staff if there are two meetings a month.

Councilwoman Jones said that this makes sense, but felt we have a bigger perception problem if we eliminate the formal TRC review. She felt we should do some trust building with the community first in the next year and then revisit this issue. She felt that to eliminate public comment at the TRC level, we are also missing an opportunity for the public to learn.

Vice-Mayor Mumpower felt there is a difference between including the public and indulging the public. If we are including the public in purely technical matters and creating an illusion that this is a public forum, that is not helpful. We need to say this is a technical piece of the puzzle and include the public in the early stages and then at the decision-making stage.

Mayor Worley asked if there would still be a way for the public to deliver technical information about a project. Mr. Shuford said that right now we don't notice or provide any indication to the public that a Level I project might be coming their way. With the TRC projects (Level II), we do put up a sign on the property and we do notice the adjacent property owners within the appropriate range. In an

informal process, we could make plans available, provide staff if people have questions, and that sort of thing. In addition, we could ask the public to submit their technical information in writing so that there is still a mechanism for the technical public comment.

Vice-Mayor Mumpower spoke in support of the compromise where the public has access to the information and they provide their comments in writing.

Mr. Shuford understood that Council wants staff to continue to try to alert people to the fact that there is a project coming to their area. In some cases though, those projects will have a public hearing associated with it and in other cases there will be a staff review with an opportunity to comment on the technical aspects.

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After discussion, the majority of Council gave direction to City staff to start the process of a UDO amendment to eliminate the formal TRC reviews and revise the TRC process to hold bi-monthly meetings. In addition to moving forward with a UDO amendment, Council reminded Mr. Shuford that communication is a two way street and in order for someone to comment on the technical aspects they have to be able to understand exactly what is being proposed as well.

Vice-Mayor Mumpower asked staff to building some feedback at an appropriate time.

1-C Recommend maximum approval times of:

- **Level I – one week**
- **Level II – three weeks**
- **Level III – five weeks**

Mr. Summey responded to Vice-Mayor Dunn about what the turn-around time is in other cities and how does Asheville compare to those.

Upon inquiry of Mayor Worley, Mr. Summey said that five weeks on a Level III project is not realistic, given the project has to go through TRC, the Planning & Zoning Commission and City Council.

Mr. Tim Turner, WNC Glass Surveyors and member on the Task Force, said the timeframes are when they would like to get all of the responses back from the initial submittal, not necessarily the approval.

Mayor Worley felt that “approval” time is the wrong word – it should be “response” time.

Upon inquiry of Councilwoman Jones about the Council direction in this matter, Mr. Summey said Council might monitor complaints heard regarding the turnaround time and let him know. He felt that turnaround times will be reduced with the hiring of four new positions.

Vice-Mayor Mumpower asked if staff can begin to keep records so we can definitively say we are meeting those timelines, including when the plans come in incomplete, etc. Discussion then occurred about the response timelines by City staff. City Manager Westbrook said that we don't have control over how well the plans are done when they initially come in, or how long it takes us to go through it, or how many red-lines there are and therefore how many times it has to be re-submitted to make sure they are correct. In addition, there are also a number of other bodies the plan goes through, e.g., Planning & Zoning Commission, Downtown Commission, River District Design Review Committee, Tree Commission, etc. All of that takes time as well as the time before City Council. Mr. Summey can define what that those timelines mean and specify that those are goals, because we don't have all the variables. It's unfair to hold the City responsible when we don't have that control. All said, City Manager Westbrook said that staff will come up with some way to provide the data in an understandable form so it doesn't give either the City or the developer the wrong impression from reading it, because the results may be behind the data in specific instances.

Councilman Davis felt we might call these “goals” and not “maximums” and that eight weeks on a Level III project would be more realistic.

Vice-Mayor Mumpower was interested in our ability to track what we are doing. If we can't track it, we can't determine inefficiencies. And, we can't improve if we don't know where we might be breaking down.

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1-E The time requirement to upgrade to current code a nonconforming structure that becomes vacant should be extended to 12 month

Mr. Shuford said he felt the real issue is that there are some properties along the river that were not occupied for a long period of time and then came in and didn't want to have to meet the floodplain requirements. However, that is a FEMA issue. He would provide City Council with more information on the number cases that we've had, but there are very few non-floodplain issues with regard to this particular situation.

After a brief discussion, it was the consensus of City Council to not make any changes regarding this recommendation.

2-B The turnaround times for Permit and Plan Review approvals need to be reduced as previously recommended, even if additional staff is required

This issue was discussed in Item 1-C above.

5-A We recommend creation of an industry review committee be involved in changes to the "Asheville Standard Specifications and Details Manual" (updates proposed to come to Council in November).

Since updates are proposed to come back to City Council in November and since City Engineer Cathy Ball is coordinating a group of citizens to review the changes, City Council gave no direction on this issue.

5-B Code interpretations and review shall be consistent between plan reviewers and inspectors as well as among inspectors.

Discussion surrounded this recommendation. Mr. Summey said they have instituted monthly code consistency meetings with plan reviewers, inspectors and industry to discuss any code consistency issues. In addition, inspectors will be sent to training programs.

Councilman Dunn wondered if the same inspector can follow the same development as much as possible, even though there is subjectivity at times. Mr. Summey said that they are constantly putting on seminars and programs for our own staff, as well as industry, so that we all try to be consistent in what we are going.

Vice-Mayor Mumpower suggested a one-page complaint form. Mr. Summey said that they have started tracking complaints just to help with the consistency meetings, noting that his staff operates on a same day basis dealing with complaints. He said that they would try to track the issues leaving the actual complainant out of the picture.

At 5:26 p.m., Mayor Worley called a short recess.

5-E Provide incentives (less fees and charges) for installation of fire sprinklers (the State Code provides tradeoff for sprinklers; the Water Authority's fees and policies discourage installing sprinkler systems).

Since this issue deals with Water Authority policy, City Council will not give staff direction on this issue until after July 1, 2005.

9-B Consider other enhancements that are business friendly and provide time savings to industry

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Mr. Summey responded to various questions/comments from Council, some being, but are not limited to: can the Public Works Building be expanded; do other cities in North Carolina have a "one-stop" center; and is there ample parking in the Public Works Building lot.

Mr. Tim Turner, member on the Task Force, felt the Task Force wanted to bring the all the plans and just drop them off and let the City circulate them to the appropriate departments.

During discussion about the "one-stop" vs. "one-drop" center, Mr. Summey explained the pros and cons of each approach and what is being done currently.

It was the consensus of Council to allow staff to continue with the one-stop center and continue to analyze the efficiencies.

10-A To encourage development, the City, not the developer, should pay for public infrastructure (sidewalks, hydrants, etc.)

Mr. Summey and City Engineer Cathy Ball responded to various questions/comments from Council, some being, but are not limited to: what are the types of infrastructure developers want the City to pay for; what is the difference between asphalt and concrete sidewalks; what is the amount per foot of sidewalk; does the developer have the option of a "fee in lieu of"; and how much is the budget for sidewalks.

Mr. Tim Turner, member of the Task Force, said that the Task Force was concerned about the requirement for sidewalks, especially when they would not connect to any others.

City Manager Westbrook said it was a philosophical issue of whether City Council wants the development to pay for itself or for the taxpayers to pay for that improvement.

Mayor Worley was not concerned with the sidewalk requirement, but felt the ordinance should be tweaked. He used an example of two different property owners building the same type of development but one owns more property than the other. Our current

ordinance says that all of that property that you own has to have a sidewalk on it. That can result in some inequities He'd rather see the sidewalk requirement relate to the project itself and the land used by the project. He noted that "applicable project area" is not defined in our ordinance. We need to make sure we apply the burden equitably.

Discussion occurred regarding the need for sidewalks in our community and who should pay for them.

Vice-Mayor Mumpower felt there is a point of fairness in that we don't require developers to provide police or fire services. He was not sure we are trying to encourage development.

Ms. Ball explained to Council the history of sidewalks in Asheville and how sidewalks are a viable mode of transportation.

Councilman Newman felt Asheville needed more sidewalks but this approach will take us a long time before we get to where we need to be.

After all ten items requiring Council direction were discussed, Vice-Mayor Mumpower questioned the new permit application form being on legal sized paper. Mr. Summey said that staff is trying to get all the information from different departments on one application form. Presently we have one form, double sided for residential. Commercial is on a legal form. He felt that as long as the industry knows they need legal size paper, he didn't think it would be a problem. He said that as they pilot the new form, they will find out if they are working well.

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Mr. Summey thanked City Council for their direction and said that staff intends to update Council quarterly with implementation updates.

UDO AMENDMENT REVIEW

- City Attorney Oast said that this Unified Development Ordinance amendment is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearing, which has been scheduled on February 22, 2005. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Addition of Urban Place District

- Planning & Development Director Scott Shuford said that this is the consideration of an ordinance to amend the Unified Development Ordinance for the addition of Urban Place District.

This code amendment is intended to implement several infill development, community compatibility, and economic development goals and strategies of the Asheville City Development Plan 2025 through the creation of a new zoning district that allows for and provides incentives for mixed use development. Asheville has a number of areas where mixed use development has been proposed as part of neighborhood plans or other planning initiatives. Additionally, this is one of several actions being proposed by staff to simultaneously implement portions of the Urban Riverfront Master Plan and address redevelopment of flooded areas.

The new zoning district would be somewhat similar to the Neighborhood Corridor District (NCD), although it would differ in being oriented more toward node development than to linear development along a corridor. It allows a wider range of uses and has less stringent design standards than those in the NCD.

The amendment has been routed to CAN, CREIA, and CIBO for review and comment. There was no public comment at the Planning and Zoning Commission meeting.

Pros –

- Several goals and strategies of the 2025 Plan and Urban Riverfront Master Plan will be implemented.
- A wider range of land uses would be available to property owners.

Con – None noted.

The Planning and Zoning Commission recommended approval of this code amendment on February 2, 2005, by a vote of 7-0. City staff recommends approval of the proposed code amendment as well.

Mr. Shuford noted that the City Attorney will be refining the purpose statement.

Upon inquiry of Vice-Mayor Mumpower, Mr. Shuford said that this district could apply to properties by the river.

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

ASHEVILLE PEDESTRIAN PLAN UPDATE

Transportation Planner Elizabeth Teague said that this is the consideration of a resolution adopting the Asheville Pedestrian Plan Update.

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The purpose of this plan is to keep the City Pedestrian Thoroughfare Plan current and useful to the City and the public. This update is written to provide City staff and elected officials with timely, technical information to make decisions on where to invest limited resources and how to improve policies and procedures that improve pedestrian safety and infrastructure.

The Plan was developed in coordination with the Asheville Bicycle and Pedestrian Task Force, City staff from the Engineering, Public Works, Planning, and Parks and Recreation Departments, and public comments and requests on sidewalk and pedestrian safety needs collected over the past year.

This project is Task # 3 of Goal #3 under the Natural and Built Environment areas of the City's Strategic Plan to increase street and sidewalk connections.

The positives of the Pedestrian Plan update are that it:

- Updates the "Needed Linkages Map" that regulate where sidewalk construction is required and the *fee-in-lieu* option may not be used (note: it does not amend the sidewalk regulation itself, but does provide recommendations on how to improve those regulations to include greenways, transit amenities and other pedestrian and ADA related improvements).
- Better positions the City to continue to pursue funding from the NCDOT Division of Bicycle and Pedestrian Transportation and through the Transportation Improvement Plan and Long Range Transportation Plan processes;
- Establishes a working sidewalk and pedestrian safety request list, identified priorities list, and criteria for future prioritization and project selection processes.
- Provides recommendations for changes to policies and procedures that will facilitate implementation of sidewalk and greenway construction, internal procedure and budgeting and grants management.

The negatives of this project are that it will:

- Require time from City staff and the Planning and Zoning Commission to implement the recommendations of the Plan.

Ms. Teague explained that the mission of the Plan is that Asheville will develop and maintain a pedestrian network that includes sidewalks, pedestrian crossings and greenways that: (1) offer convenience, safety and connectivity to citizens and visitors; (2) encourage and reward the choice to walk and use transit; (3) improve access for those with disabilities; and (4) add to the quality of life and unique character of the City of Asheville.

An inventory of pedestrian project needs include (1) sidewalk and greenway projects on the Transportation Improvement Plan and Priority Needs List; (2) citizen requests; and (3) priorities based on criteria: (a) transit routes; (b) proximity to schools, parks, commercial centers; (c) zoning; (d) strategic corridors; and (e) feasibility (right-of-way, engineering, cost).

The following is estimated sidewalk need construction costs: 108 miles of needed linkages - \$15 Million; poor or non-compliant sidewalks - \$2 Million; removal of obstacles - \$9.5 Million; and ADA ramps - \$.5 Million. The estimated construction total is \$27 Million. 25-50% right-of-way and engineering is \$6-13.5 Million. The range of need is \$33-40.5 Million and it does not include on-going maintenance.

Ms. Teague explained some considerations and recommendations are (1) Greenways Master Plan; (2) staffing/coordination; (3) right-of-way acquisition and engineering; (4) continue coordination with the Metropolitan Planning Organization; (5) update regulations and fees; and (6) annual budget process and new funding sources.

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Staff recommends that City Council adopt the Asheville Pedestrian Plan Update.

Ms. Teague and City Engineer Cathy Ball responded to various questions/comments from Council, some being, but are not limited to: how much was the referendum on streets and sidewalks back in the late 1980's; how much did the City spend on sidewalks this year; and how long was the portion of Patton Avenue sidewalk on hold by the N.C. Dept. of Transportation.

Discussion surrounded how much the City currently allocates for sidewalks and whether we need to start allocating money for a meaningful show of sidewalks or for a dedicated funding source for a long-term commitment.

Ms. Ball said that she will come back to City Council during the budget process with some recommendations on Council's alternative funding options and how we can address our needs.

At 7:21 p.m., Mayor Worley announced a short recess.

A brief discussion was held about the physical size of the Plan and whether the plan was giving the public false hope on what the City can realistically accomplish.

City Manager Westbrook said that the Plan serves a number of different groups and if Council wishes, staff could distill it down to a more understandable document

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

TRAFFIC CALMING

Mayor Worley said that at the request of City Council this item was placed on the agenda and he asked staff to prepare the following information.

COMPLETED PROJECTS:

- South French Broad (phase 1 of 2), Florida/Dorchester, Caribou, Wyoming, Gracelyn/Ottari – 3.3 miles, \$97,000
- Murdock/Ridgelawn/Wellington (in progress) – 1.5 miles, \$82,000

PROJECTS UNDER DESIGN:

- Kenilworth Road – 1.3 miles, est. \$80,000
- Redwood Forest (from Riverbend) – 0.96 miles, \$65,000 max private funds
- Shiloh (from Appeldoorn) – 2.3 miles, \$84,000 max
- Biltmore Park (HOA project) – 2.7 miles, est. \$65,000 private funds

PLANNED PROJECTS:

- Grove Park neighborhood (from GPI) – 3.4 miles, est. \$200,000 private funds

LIKELY FUTURE CITY PROJECTS:

- Governors View/Arco (from Riverbend UV) – 1.3 miles, \$25,000 max private funds
- South French Broad (phase 2 of 2) – 0.5 miles
- Cedar Street and Wood Avenue – 0.7 miles

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COSTS AND NEEDS: 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
- South French Broad Avenue (Phifer to Livingston), 0.47 miles
- Kimberly Avenue and Edwin Place, 1.65 miles
- Montford Avenue, 0.89 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
- Shelbourne Road, 0.67 miles

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 reduced
- Need for enforcement is reduced
- Quality of life is improved for residents of streets
- Can include aesthetic enhancements to support community

Cons:

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

Regarding City Council's Strategic Operating Plan, traffic calming supports an efficient transportation system by managing traffic demand in neighborhoods.

Councilman Dunn felt that traffic calming measures were too expensive and wondered how we can continue to afford traffic calming where there are limited dollars available. He felt we should stop the traffic calming program and look for other options to deal with speeders in a cost effective manner and not impact emergency services.

Mayor Worley felt that traffic calming measures are the only way to deal with cut-through traffic. He felt that traffic calming is cheaper than police enforcement. He spoke in support of the use of the technology available, which is speeding cameras and red-light cameras. He proposed that we adopt as a legislative goal to put cameras on streets in neighborhoods that need help with

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speeders. The use of cameras would benefit the neighborhoods at little or no cost to the City. The technology is there – we should use it.

Throughout the discussion, City Traffic Engineer Anthony Butzek responded to various questions/comments from Council.

Asheville Police Department Captain Ted Lambert responded to various questions/ concerns from Vice-Mayor Mumpower, some being, but are not limited to: what is the City's effort on traffic enforcement over the past five years; how much energy are we putting into the enforcement of traffic laws; are we putting the same energy and manpower into traffic enforcement today as we did 10 years ago; what is the time difference when emergency vehicles travel over speed bumps; and what is the comparable data showing the number of tickets issued (accidents, fatalities) over the past 5-10 years, factoring in the increases in traffic that we have in Asheville and other variables. Questions Capt. Lambert was unable to respond to, he said that he would provide what information was available.

Vice-Mayor Mumpower would be surprised to learn that Asheville is enthusiastic about traffic enforcement today as it was ten years ago. He felt that in recent years we have defaulted on traffic law enforcement in the City. He was not comfortable with the use of traffic cameras from a philosophical and constitutional standpoint. He would have a problem in going to traffic cameras until we have a good hold on traffic enforcement. He would advocate backing off of traffic calming as it relates to speeding and would lay aside his philosophical difference about the use of cameras when we clearly define traffic enforcement in the City and we can demonstrate such. Again, he has concerns that we are not prioritizing traffic enforcement at the level that we should for a city this size with the traffic volume we have.

Councilwoman Jones felt that traffic calming, around parks especially, makes a positive difference. She would be willing to listen to ways to save money and still keep the public safe.

Councilman David felt we should be more judicial in where we place traffic calming.

Councilman Newman supported traffic calming and felt we should review what is working well and what is not. He was supportive of investing our traffic calming funds into key pedestrian points, not whole thoroughfares. He would also be open to consider traffic cameras.

Mr. Butzek said that if Council does decide to make changes to the current Traffic Calming Program, there are a number of projects in the works and they will need direction as soon as possible.

It was the consensus of Council to instruct City staff to provide City Council with details on traffic cameras and how they work in other locations; how much we have spent on public safety over the past four years; and information requested earlier from Vice-Mayor Mumpower from the Police Department.

City Manager Westbrook said that depending on how much time is necessary to accumulate the information requested by Council, staff will try to bring back this information to council at their next worksession.

2006 CONGRESSIONAL PRIORITIES

City Manager Westbrook said that this is the consideration of a motion adopting the 2006 congressional priorities.

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City Council and key staff recently met with Ball Janik staff to discuss our congressional priorities for the upcoming year. Based on those discussions with Council Members and key staff, Ball Janik performed an analysis which compared our preliminary request against upcoming and existing federal priorities and goals.

As you know, we were extremely successful this year with our requests to congress. Two projects that received Fiscal Year 2005 funds were the 800 MHz digital platform communications upgrade and the Wilma Dykeman Riverway Project. These received a total of \$2.6 million. On behalf of staff and City Council, much appreciation is expressed to Congressman Taylor, Senator Dole and Senator Edwards for their efforts.

The following is a list of projects that were identified last year and not funded, or identified as new this year in the meetings.

1. Pack Square. The Conservancy has requested \$4 million for the Renaissance project. It is recommend that the City support the Conservancy's funding request and assist the effort on Capitol Hill. Since the Conservancy will be taking the lead on the project, any funds obtained will flow to it. Nonetheless, all funds obtained will benefit the City.
2. City Bus Replacement. Although \$300,000 was obtained for a bus in Fiscal Year 2005, this is likely a viable transit funding request for Fiscal Year 2006.
3. Wal-Mart/Shopping Mall Pedestrian Circulator Bus. The amount is undetermined. It is recommended that the City pursue this in the future, this idea probably has not been fleshed out enough to provide the necessary detail (cost, route, ridership, impact on traffic, etc.) to request funding. It is recommended waiting until this idea has been further developed.
4. I-40 Aesthetic Noise Wall. An amount of \$107,000 is sought to upgrade a 2/3 mile noise wall located in the redesigned portion of I-40. The funding would upgrade the wall from one color to something more aesthetically pleasing (i.e., a mountain design). The state will not pay for the aesthetic upgrade.
5. Park and Ride Facilities. Again, while this may be something the City may want to pursue in the future, there is little detail available regarding where, outside the urban core, such facilities would be sited, the number of sites, projected use and increased bus ridership due to such facilities, and, most importantly, the cost. Park and ride lots are common transit funding projects, so the City may want to develop the information necessary for a future request.
6. Veterans' Memorial at Memorial Stadium. The fact that \$800,000 has already been raised for this project will set well with federal appropriators. Privately, Rep. Taylor has indicated support for the Memorial. Strategically, the City may want to request \$750,000, but should realize that, even if successful, the amount may be reduced by appropriators.
7. Water System Upgrades. The Fiscal Year 2005 request for \$600,000 was unsuccessful due to reduced EPA funds across the board. The situation in Fiscal Year 2006 will be similarly tight, if not more so.
8. Azalea Park. It is unlikely that a funding request at this time would be successful, as park money is scarce and is targeted to existing parks that need upkeep rather than developing new parks. However, for the past two years, the Parks and Recreation Department has submitted grant proposals for Land and Water Conservation Fund (LWCF) money, which were turned down. Should the City submit a proposal this year,

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Ball Janik could generate support for it from our delegation to increase its chances of success.

9. Thomas Wolfe Cabin. An amount of \$300,000 is needed to stabilize and refurbish the Thomas Wolfe Cabin located within the Azalea Park. This project is recommended because of an excellent funding source – America's Treasures in the Interior Appropriations bill.
10. Methamphetamine Enforcement and Clean-Up. This Department of Justice program funds over \$52 million in methamphetamine projects, much of it earmarked to specific state and local governmental entities. These funds help combat methamphetamine production and distribution, along with clean-up and disposal of hazardous materials. Ball Janik recommends that the Asheville Police Department work with the State Bureau of Investigation to develop a methamphetamine project for interested Western North Carolina law enforcement agencies. The project could entail methamphetamine education, training, equipment, or increased personnel for enforcement or clean-up. Rep. Taylor is very interested in enhancing methamphetamine response in Western North Carolina and would support a strong multi-jurisdictional project. Depending on the scope of the project and the entities involved, this request could be as high as \$1 million or as low as \$300,000.
11. Western North Carolina Emergency Training Center. Requested amount is \$5 million. This project is envisioned to be a joint

effort of the City (the Police and Fire Departments) and the local community college, A-B Tech. Feasibility discussions between the City and the college have been initiated, but concept development has not sufficiently progressed to the point where the issue is ready for a funding request this year.

Authorizing Committee Issues – Transportation

A major piece of legislation unfinished in the last Congress is the Transportation Equity Act for the 21st Century (TEA-21) reauthorization. Ball Janik worked on the bill to include language that would permanently or at least temporarily exempt Asheville from the “over 200,000 population” urbanized area (UZA) threshold that jeopardizes the City’s use of federal dollars for transit operations. Language included in the temporary extension bill provided Asheville Transit with 100% flexibility on the use of transit operating funds through September 2005, our lobbyist will continue to pursue a permanent fix.

Since the 108th Congress adjourned without finishing the TEA reauthorization, the entire legislative process starts over again. That means the City has the opportunity to request a funding project through this major bill that it did not participate in last year. Ball Janik suggests that this account be explored for funding Pack Square. Should that coincide with the goals of our Congressional delegation, it would be a good source of money that does not compete with any of the City’s “appropriations” requests. It could be in the range of \$2-4 million.

Based on the recommendations from Ball Janik, staff recommends City Council adopt the following congressional priorities for 2006:

Appropriations bills:

1. Methamphetamine interdiction: \$300,000-\$1 million – Commerce, Justice, State bill
2. Thomas Wolfe Cabin: \$300,000 – Interior bill
3. Veteran’s Memorial: \$750,000 – VA/HUD bill, EDI Account
4. Bus replacement: \$300,000 – Transportation bill

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Authorizing legislation:

1. Pack Square: \$2-4 million – potentially the TEA-21 Reauthorization bill (with the City supporting the request of the Conservancy)
2. UZA/transit funding issue – TEA-21 Reauthorization bill

recommended congressional priorities as follows: During discussion, each Council member voiced their opinion on the

Mayor Worley supported the all recommendations from Ball Janik.

Vice-Mayor Mumpower supported the methamphetamine interdiction bill and the bus replacement bill.

Councilwoman Jones supported the methamphetamine interdiction bill and the bus replacement bill. In addition, she supported the authorizing legislation.

Councilman Newman supported all the recommendations from Ball Janik. He also supported the Park and Ride Facilities bill for a future request.

Councilman Dunn supported the methamphetamine interdiction bill and the bus replacement bill. He also supported the Park and Ride Facilities bill, especially in areas of big box developments where mass transportation would help.

Councilman Davis supported all the recommendations from Ball Janik, except to reduce the Veteran’s Memorial amount to \$250,000.

Discussion then occurred that if the City is reducing the amount of requests we are asking Ball Janik to lobby on our behalf, then perhaps we should reduce their contract amount. He did feel the City needed lobbyists working our behalf regarding the census issue and the problem that presents to transit funding.

Mayor Worley felt it would be appropriate to postpone taking action on

this matter until all seven members of Council are present.

N.C. LEGISLATIVE AGENDA FOR 2005

City Attorney Oast said that in the past, the presentation on legislative issues has been made at Council's annual retreat. Due to the somewhat different schedule and format for this year's Council retreat, this presentation has been scheduled for a worksession.

Last year's legislative session was a short session, and major substantive changes in the law are not usually undertaken. There is also limited ability to pursue local legislation.

In terms of general legislation, probably the item of most importance to local governments actually grew out of 2003 legislation. This was the passage of Amendment 1 in the November 2004 election. This enables local governments to participate in "project development financing," an economic development tool similar to the tax increment financing as used in other states to

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assist in the provision of public improvements in redevelopment areas, and to spur economic growth. We have been gathering information on this, and may soon see it used in Asheville.

Another piece of general legislation of interest to us was the law that permitted cities and sign owners to enter into agreements for the removal, relocation and replacement of billboards. Asheville's City Council entered into such an agreement last Fall, and it may have been the first use of such an agreement in North Carolina.

A third item of interest was the passage of the Phase II Stormwater Management legislation. As Council knows, we are currently in the process of developing regulations under this authority.

There were other items of interest to municipalities generally, including the extension of the "hold harmless" protection for State budget distributions to local governments through 2012. My office can supply you with more information on any of these items.

Our local legislative requests were limited. We sought and obtained an act clarifying that members of the Civil Service Board serve two year terms; this had been inadvertently omitted from the 1999 legislation that amended the Civil Service Act. We sought and obtained an act expanding the membership of our local ABC Board from three to five; Council has now made the additional appointments to the ABC Board.

The 2005 legislative session seems certain to involve issues of substantial interest to municipalities. We have already seen the introduction of proposed legislation affecting annexation. There has also been proposed legislation affecting the available uses of the fines collected from "red light camera" traffic enforcement. The City of Asheville currently is not authorized to use camera enforcement for traffic violations, but has considered it in the past. As other legislation of interest is introduced or discussed, we will track it and bring it to Council's attention. Also, Mayor Worley is involved in the leadership of the N.C. League of Municipalities, and may learn of potential legislation that could affect us.

As to requests for local legislation for Asheville this year, we are not aware of any changes that need to be made to our Charter or other local laws at this time. As a long range project, however, Council may wish to consider a comprehensive revision of the Charter, which has some obsolete provisions in it and is redundant with State law in many respects.

Legislative requests from the 2003 session that were requested but not introduced included authorization to use camera enforcement of red light violations, authorization for a prepared food and drink tax, authorization to adopt campaign contribution limits for City Council elections, and a reduction in term length for the Housing Authority members. Council may wish to reconsider some or all of these items. However, Council was not unanimous in making these requests in 2003, and our delegation has indicated that a lack of unanimity in Council's request will cause them to have some hesitation with respect to introducing the legislation.

Other subjects for possible legislative authorization are found in the Asheville City Development Plan 2025:

- authorization to allow transfer of development rights
- authorization for design review of certain development projects
- authorization for "inclusionary zoning."

These are essentially authorizations to adopt zoning regulations to employ or implement concepts with respect to which there is no authority in the general zoning enabling legislation, or with respect to which the enabling legislation is not clear. Other cities are doing these things on a

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limited basis pursuant to their own local acts, and we have been following their progress. Also, some planning and land use initiatives were included with a State-directed report on smart growth that has been referred for further study. Some proposals for general legislation may come from that study.

There may be other matters that Council is interested in that require special legislative authorization. At your direction, we will be glad to investigate these matters as well, and draft proposed legislation, as appropriate.

The deadline for submission of local bills in the N.C. Senate is March 2. The House has not established its deadline yet, but it is not likely to be much later, if at all. This is a fairly short time frame, and seems more abbreviated than in previous years. In view of this short time period and the fact that Council may wish to discuss potential legislation more fully, Council may wish to consider requesting the introduction of one or more "blank" bills, with some indication to our legislators of the nature of the legislation that may be requested.

Direct staff as to legislation that Council wishes to be submitted to our delegation for introduction, or as to the introduction of any "blank" bills.

Councilwoman Jones asked for legislation that would allow people to be exempt from a certain percentage of property taxes if they are in a certain level of income (which she suggested be \$25,000). She understands that has larger implications than just Asheville, but that would help a lot of people. City Attorney Oast said that he would meet with her on this request but he did not think it could be local legislation.

It was the consensus of City Council to instruct the City Attorney to introduce 3-4 "blank" bills and City Council will fill in the nature of the legislation at a later date.

RESOLUTION NO. 05-34 – RESOLUTION OF CONCERN REGARDING FLOOD RELIEF FUNDING FOR THE CITY OF ASHEVILLE AND WESTERN NORTH CAROLINA

Vice-Mayor Mumpower read the resolution as follows: In September of 2004, Asheville and Western North Carolina experienced two primary catastrophic weather events that resulted in major and extensive damage to life and property. The associated impact on our citizens has resulted in significant economic hardship for individuals, families, businesses, and communities through our region. The critical and appreciated support provided by FEMA, governmental agencies, private insurance, and other helping resources has not been sufficient to reasonably compensate for the catastrophic impact of these storm events. The collective harm has been of a nature so extensive as to preclude our capacity to absorb without long-term harmful impact on the quality of life, economic viability, and infrastructure supporting our communities and people. The State of North Carolina has a stated responsibility for supporting its citizens, including those of the Western North Carolina region. The State of North Carolina has identified the needs of this region and pledged substantial financial resources to assist in realistic recovery from these recent catastrophic events. Apprehensions have arisen concerning the timely and equitable distribution of funds to those areas of the State most graphically impacted by these storms. It is known to the City of Asheville that it is the sincere wish of the State to give fair and due response to the needs of the citizens of Asheville and Western North Carolina. City Council respectfully submits a formal request that the State make all necessary efforts to address the post-event realities of our region through timely and appropriate distribution of the funds and support fairly due to the people and communities of Western North Carolina.

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

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Vice-Mayor Mumpower moved for the adoption of Resolution No. 05-34. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 29 – PAGE 12

BOARDS/COMMISSIONS

City Attorney Oast said that he received a letter from the attorney for the Airport Authority stating that the Airport Authority intends to appoint someone from Henderson County as an ex-officio non-voting member to the Regional Airport Authority, if there are no concerns from the City or County Attorneys. Council supported this action by the Airport Authority.

It was the consensus of City Council to instruct the City Clerk to arrange interviews for Barbara Marlowe and Jose Ruiz for a vacancy on the Community Relations Council.

It was the consensus of City Council to instruct the City Clerk to arrange interviews for James Hood, Lewis Isaac and David Bonyun for a vacancy on the Educational Access Channel Commission.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to appoint Barry Pate Jr. to fill the unexpired term of Mr. Flaum on the Public Art Board.

ASHEVILLE SCHOOL BOARD

It was the consensus of City Council to instruct the City Clerk to arrange interviews for Elizabeth Hubbell, Leslee Kulba, Keith

Thomson, Alfred Whitesides Jr., Jim Taylor and Gene Bell for vacancies on the Asheville School Board.

CAMPUS CREST UPDATE

At the request of Councilman Brownie, Planning & Development Director Scott Shuford updated City Council on the meeting with the Campus Crest developer and neighborhood representatives. The meeting went very well. A number of different issues were talked about that were of a concern to the neighborhood and they settled on the idea that pedestrian safety enhancements on Montford Avenue would probably be the most fruitful direction that we should proceed. The developer is evaluating their cost factors for looking at the types of features and will be back in touch with us in the very near future. He was fairly confident that there will be an agreement between both sides on this issue.

Councilman Newman felt the mediation process was moving forward, but just didn't want the opportunity to run out for Council to revisit the issue if the mediation process turns out to be unsuccessful.

City Attorney Oast said that although the appeal deadline on this current decision runs later this week, there will be several intermittent approvals that are required of this project, many of which will involve on-site inspections and that kind of thing and some later permits that will need to be issued, like Certificates of Occupancy and permits of that nature that will provide an opportunity to monitor compliance.

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ADJOURNMENT:

Mayor Worley adjourned the meeting at 9:17 p.m.

CITY CLERK

MAYOR