

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; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT AGENDA:

Assignment of Lease for Use of McCormick Field

Summary: The consideration of a resolution approving the assignment of lease for the use of McCormick Field to Palace Baseball, L.L.C for the continued operation of minor league baseball for the community.

- On July 1, 2005, the City entered into a lease with Asheville Tourist Baseball Club, Inc., for the use of McCormick Field to operate a minor league baseball program. Prior to this lease agreement on June 28, 2005, the Asheville Tourist Baseball Club, Inc entered into an asset purchase agreement with Palace Baseball, L.L.C. Palace Baseball, L.L.C., is part of Palace Sports and Entertainment which also owns the Detroit Pistons of the National Basketball League and the Tampa Bay Lightning of the National Hockey League. The Parks and Recreation Department has been and will continue to work with Palace Baseball, L.L.C., to make McCormick Field a major part of the community. Both parties are interested in making improvements to the facility and incorporating a number of ideas that will make the venue a year-round facility to be enjoyed by the region.

Pros

- Palace Baseball, L.L.C., is committed to keeping minor league baseball in Asheville.
- Palace Baseball, L.L.C., is interested in making improvements to the facility in conjunction with the City of Asheville.
- The facility has the potential of becoming a year round facility.
- Current staff will be retained which will allow for continuity in the transition.

Cons

- Asheville Tourist Baseball, Inc. was an excellent owner and well liked by the community. New ownership will have to establish the same respect from the community.

- This action will meet one of the objectives established by the Strategic Plan regarding the termination of the water agreement and operations of facilities formerly operated by Buncombe County.

- The Parks and Recreation Department recommends City Council approve the assignment of the lease for the use of McCormick Field from the Asheville Tourists Baseball Club, Inc., to Palace Baseball, L.L.C.

Superintendent of Parks Jim Orr responded to questions from Council regarding the lease.

Vice-Mayor Mumpower was concerned about locking the City into a 10-year lease.

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City Attorney Oast stated that Council approved the lease in July of 2005, and the lease included an assignment provision.

Mayor Worley said that a valid, binding lease is already in effect and we are bound to assign that lease unless the new entity is not suitable for the assignment.

Renaming of Shiloh Complex for Linwood Crump

Summary: The consideration of a resolution renaming the Shiloh Recreation Complex for Linwood Crump.

- At its September 2005 meeting, the Parks and Recreation Board unanimously voted to rename the Shiloh Recreation Complex after Linwood Crump who recently passed away. The Board approved naming the facility the Linwood Crump/Shiloh Recreation Complex. Linwood was instrumental in making the Shiloh Complex the focal point for the community. He dedicated much of his life to the children who frequented the center and park. He worked many long and hard hours in the concession operation, donating his time so all of the profits could go back to the center and the programs he loved so dearly. Known affectionately as the "Mayor of Shiloh", Linwood made sure that the Shiloh community received its fair share of resources and attention by the City. This recommendation is also supported by the Shiloh Advisory Board. The staff plans to hold a formal ceremony in the future and recognize the family for this honor with a new sign placed at the entrance of the facility.

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Pros

- This effort is supported by the Parks and Recreation Board as well as the Shiloh community.
- This effort will be a great tribute to the leader of the Shiloh community.

Cons

- None

- City staff recommends that City Council approve the renaming of the Shiloh Complex as the Linwood Crump/Shiloh Recreation Complex.

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.

QUARTERLY FINANCIAL REPORT

- Chief Financial Officer Ben Durant stated that the reason for this quarterly financial report was to (1) increase the cycle of management information provided to Council; and (2) present key financial data to facilitate informed decision-making.

His presentation consisted of an overview: (1) Asheville is living within its means; (2) Fund balance will be maintained; (3) continued fuel and energy conservation efforts are necessary; and (4) staff recommends no major mid-year budget additions.

In Fiscal Year 2005-06 the adopted budget was \$74,357,126. Additions included (1) amendment for County park facilities in the amount of \$503,936; and (2) prior year encumbrance rollovers in the amount of \$820,071. The Amended Fiscal Year budget is \$75,681,133.

General fund revenue highlights include (1) intergovernmental will fall short of budget by \$996,436; (2) shortfall will be made up by \$337,562 in additional property tax revenue growth,

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\$460,596 in additional sales tax, and \$441,214 in other higher than anticipated revenue growth; and (3) overall, general fund revenues will exceed budget by a net of \$242,936.

He reviewed the natural gas projections by saying that (1) Fuel costs are \$200,000 higher than last fiscal year; (2) Energy costs may exceed budget by \$170,000; and (3) Staff will undertake various conservation efforts to minimize fuel and energy cost impacts.

Overall, departments will save approximately \$1.0 Million through targeted savings plans, normal attrition and other operating savings. These savings combined with \$242,936 in total revenues over budget will nearly offset \$1.37 Million in budgeted use of fund balance. The projected actual use of fund balance use is \$110,000.

Mr. Durant then reviewed the fund balance and the enterprise funds.

He mentioned that outstanding budget issues include (1) roll-out containers for duplexes - \$80,000; (2) take home vehicles for police - \$272,184; and (3) recruitment and retention analysis/compensation plan adjustment.

Throughout the presentation, Mr. Durant responded to various questions/comments from Council, with ultimately the following additional information being requested: is a comparison of the first quarter last year compared to the first quarter this year; a breakdown of revenue and expenditures for all the City's parking decks; what is the capital improvement plan and long-range plan (in terms of strategies to make money) for the Golf Course; long-range cost analysis for police take-home vehicles; full cost analysis for Bele Chere; capital improvement plans for the recreation centers; information on the communication plan for the stormwater utility fee and the possibility of delaying billing until the educational component has been addressed; what is the capital improvement plan for Recreation Park; and the numbers of people who want to lease a parking space in the decks and on the surface lots.

Regarding the Parking Fund, City Manager Jackson said that they will be refreshing the parking plan and bringing that back to Council near the first of 2006. In addition, they will address some of the questions Council has about the design of the additional parking deck. He said it's also time to look not only at capital planning questions, but the operating basis, fee recovery, monthly lease rates, and a wide variety of issues. Discussions will occur with the Fees & Charges Committee regarding if we are operating this like a business, what should those rates be, how do we manage those with better design and purpose in mind, and also linking this Fund to the overall transportation planning.

Regarding the police take-home vehicle policy, Mayor Worley said that there was an indication by Council to have this policy discussion revisited at the Council's retreat.

Interim Water Resources Director David Hanks summarized the Water Resources Department as follows: (1) Fairview Road project – replace existing lines with a new 8-inch line; (2) ISO 15001:2004 – first water utility in North Carolina to be certified; (3) QualServe – American Waterworks Association (AWWA) Customer Service program to enhance and benchmark department against other

water utilities; (4) Asset Management implementation has enhanced department culture and decision-making; (5) Drought Management modeling to forecast drought and lake level conditions; (6) current treatment capacity is adequate for near-term demands; (7) new French Broad River supply (intake) provides water resources to support long-term growth; (8) low treatment cost of upland supplies being used to save money; (9) Water Treatment Plan upgrades continue to progress towards completion; (10) reservoir operations (North Fork and Bee Tree) – selection process for new Emergency Action Plan and Operations & Maintenance Plan engineering firm is being finalized; (11) Computerized Maintenance Management System to enhance current work order system and integrate with GIS system being finalized; (12) meter

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replacement and testing program – testing all meters 2-inch and larger and replacing non-compliant meters (AWWA standards) to ensure reliability and accuracy; (13) actively managing leaks and breaks; (14) obtaining hydro-stop valve installation equipment to install valves on large lines without cutting off water. This will enable valves to be installed on lines we currently have difficulty cutting off water. This will enhance customer service by keeping more customers in water while repairs are being made; and (15) leak detection – using leading edge leak detection equipment to find underground leaks.

Throughout the presentation, Mr. Hanks responded to various questions/comments from Council, resulting in a request to see the long-range plan on how we anticipate improving the water system.

On behalf of City Council, Mayor Worley thanked City Manager Jackson for bring this and future quarter financial updates to Council.

TAXICAB RATE RECOMMENDATION

Vice-Mayor Mumpower, Chair of the Fees & Charges Committee, said that in the Council meeting of September 13, 2005, City Council voted to increase taxi fares from \$1.90 for the activation of the meter (Drop Fee), and \$0.20 per every 1/10th mile thereafter, or, \$2.00 per mile to a drop fee of \$2.50 and a per mile charge of \$2.50 (.25 per each 1/10th mile). The inspection fee of \$15.00 was also eliminated.

At the same meeting, Council asked that the Fees and Charges Committee review these revised fees within thirty days, taking into consideration the high gasoline prices engendered by the recent hurricanes Katrina and Rita.

City staff was asked to convene a meeting and report to the Fees and Charges Committee on how the taxi companies might be reimbursed for the increasing cost of fuel. The Committee met on Tuesday, September 27, 2005. Public notice was given, and all licensed taxi companies were notified of the meeting, with the exception of one, whose telephone number was listed as disconnected. Representatives of the J&J Taxi Company were in attendance. After significant discussion between the committee, staff, and the taxi company representatives, the committee voted unanimously to recommend the following:

1. Current fares should be set at \$2.50 for the “Drop Fee”, and \$2.80 per mile (\$0.28 per 1/10th mile);
2. The fares be reviewed on an annual basis, beginning with the Fiscal Year 2007 budget cycle, and that if no agreement can be reached between the taxi companies and staff, that the Fees and Charges Committee act as the next level to try to resolve outstanding differences; and
3. City staff should review the current regulation of cab companies to determine if current level of regulation is sufficient or necessary, and to recommend changes to the ordinance to the Fees and Charges Committee.

Vice-Mayor Mumpower and Transit Services Director Black responded to various questions from Council, some being, but are not limited to: what impact will the rate increase have on a 10-15 mile trip; are the rates being increased based solely on the rising gas costs; are there opportunities for discounts to members of our community who are visually impaired; what process does the City of Raleigh use to subsidize taxicab fares; and what percentage of the rate increase is attributed to gas prices.

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Councilman Newman said that this is an issue that City Council is unaccustomed to handling, where City Council sets rates for businesses that work out in the community. In areas where you have government regulating the pricing for business, like utilities, they have the ability to open the books of those companies and they can make a very informed decision about rate increases and make the company justify their request in a very specific way. He feels like in many ways we are without the true information we need to decide.

Councilwoman Jones felt that Council has heard from the taxicab owners, but City staff needs to try to reach out and hear from the users of taxicabs to get their input on the rate increase and how it, or if, it will affect them.

At the majority of Council's request, Mayor Worley asked that the record show that City Council received this information and instructed the City Manager to place this item on the November 22, 2005, City Council agenda.

ECONOMIC DEVELOPMENT UPDATE

HUB Project

Mr. Dan Keith Ray, Director of Institute at Biltmore, said that the HUB Project is a consolidated effort by public, private and non-profit participants to create sustainable community building options for Asheville and Buncombe County that will strengthen its role as the regional economic engine, or "Hub" of Western North Carolina.

HUB's strategic parameters include: (1) build critical mass geographically and by business cluster; (2) build critical mass that can expand throughout the region; (3) build business clusters from existing resources; (4) build business clusters that can be sustained; and (5) build through orchestrated public, private, and nonprofit sector collaborations.

He outlined the following strategic goals, noting the specific strategies and key performance targets and measures for each goal:

- STRATEGIC GOAL I: To establish a Community and Economic Development Authority to leverage Buncombe County's unique assets to attract, create and expand business opportunities while improving the well-being of our citizens.
- STRATEGIC GOAL II: To expand our community organizing capability to ensure that both urban and rural communities throughout Buncombe County can play an active role in their future development.
- STRATEGIC GOAL III: To implement inter-related strategies, that combine our unique assets and existing initiatives, and bring about synergy for implementation.
- STRATEGIC GOAL IV: To foster public, private and nonprofit investment in the development of strategic elements of the HUB Project.
- STRATEGIC GOAL V: To work with existing industry in the preservation of productive manufacturing operations and target manufacturing niches that build on our unique assets.
- STRATEGIC GOAL VI: To complete the build-out of broadband and high performance computing and storage infrastructure.
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- STRATEGIC GOAL VII: To utilize the world's largest environmental database to lure federal government and private meteorological agencies and companies to Western North Carolina.
- STRATEGIC GOAL VIII: To establish a Digital Media Center as a public, private, nonprofit partnership to spur growth and development of our existing multimedia industry.
- STRATEGIC GOAL IX: To build the Western North Carolina Center for Technology Commercialization into a technology hub for research and development.
- STRATEGIC GOAL X: To utilize the existing technology infrastructure, and the desirability of our location, to promote economic development options in the public, private and nonprofit sectors for secure data storage and retrieval.
- STRATEGIC GOAL XI: To build the "Asheville Brand" as an international identity for our people, culture, products, and services.
- STRATEGIC GOAL XII: To further develop the region as a center for rejuvenation of the mind, body and spirit.

Throughout the presentation, Mr. Ray responded to various questions/comments from Council about the HUB Project Plan, the structure of the organization, the City's financial commitment, and the opportunity for partnership with others.

It was the consensus of Council to have Mr. Ray meet with individual Council members to address to their questions/comments. After those meetings have occurred, and if it is Council's wish, then Council would be requested to adopt the HUB Project Plan and then work out the details of how we partner with Buncombe County on this

Advantage Asheville

Mr. Rick Lutovsky, Chief Executive Officer of the Asheville Area Chamber of Commerce explained how the Chamber of Commerce has participated financially in the HUB Project Plan and how they are excited about expanding their economic development effort. He then updated City Council on the Advantage Asheville 2000 Campaign, the new Advantage Asheville 2010 Campaign.

At 7:46 p.m., Mayor Worley announced a short recess.

POLICE DEPARTMENT STAFFING

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Police Chief Bill Hogan updated City Council on the status of recruitment and retention of sworn positions in the Asheville Police Department.

Chief Hogan said their recruitment and retention goals consist of (1) attracting and hiring qualified and motivated employees; (2) developing and improving our outreach efforts to recruit more minority candidates; (3) hiring a work force that reflects the makeup of our community; and (4) creating a work environment that supports and rewards long term careers with the city and police department.

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Chief Hogan then reviewed the vacancies of sworn personnel from July 2004 – October 2005: Current Vacancies as of 10/18/05 – 14; Increase in authorized positions - 15; New hires – 31; Loss of sworn officers - 28 (through Retirements – 7; Resignations to other LE positions – 7; Resignation to pursue other interest - 5; Resignation or termination for cause – 5; and Unable to complete training – 4.)

He outlined some major accomplishments at the Police Department including, but not limited to: (1) First year - Focused on organizational culture/guiding principles and leadership; (2) Filled Lieutenant position in Recruitment & Career Development; (3) Evaluated and Redesigned the Hiring Process; (4) Amended Educational Requirements; and (5) Recruitment Outreach; (6) Established Recruitment Teams, Background Investigation Teams, and Mentors; (7) In cooperation with A-B Tech created the First APD Police Academy; (8) Continue to recruit certified officers; and (9) Increased Applications (2004 – Received 79 Applications; and 2005 – Received to date 117 Applications).

Future Considerations include: Competitive wage and benefits (City Human Resources); Special Incentives; Equipment & Technology; Police Training Officer Program; Career Development; Over hire at start of police academy; In-House Police Corps Scholarship Program; and Paid Reserve Police Officer Program.

He outlined the following other vacancy issues: (1) Desirable attrition 6% (190 sworn = 11.4); (2) 2003 survey by NC Criminal Justice Analysis Center – 14% Statewide (190 = 26.6); (3) Baby Boomers retirement bubble; (4) Two State Police Corps Positions; (5) Recruiting underway for 2nd Academy in the Spring; and (6) Continue to receive and process Certified Officer Applications.

He reviewed with Council the Patrol workload & distribution: (1) Council's commitment to Community Building; (2) Police Department is committed to the Community Oriented Policing (COP) Philosophy; (3) Effective COP requires a 2 to 1 ratio for officers' time; and (4) Police Vacancies reduce COP time but not the response time to emergency calls.

He explained the following redistricting and beats: Sheriff's Department – Response to city calls for service; Crime Trends (West Asheville); Redistricting; Work Schedule; and Beat Structure.

Human Resources Director Belinda Odom explained the following (1) Entry Level Police Salary; (2) City Wide Salary Compression; (3) Compression Factors – including (a) Salary offers above minimum; (b) Market outpacing City Compensation; and (c) Not enough difference between pay levels.

Ms. Odom then explained the following Recruitment/Compensation items (1) Ranges/Bands/Steps – evaluation of relative value; (2) Assessing Organizational Challenges; (3) Consideration of Environmental Factors – (a) Cost of Living; (b) Number of employees below the midpoint of salary range; (c) Service based organization; (d) Differentials for Labor Costs; and (e) Incentives; (4) Total Compensation; (5) Rising Cost of Health Care; and (6) Recruitment and Retention – Salary and Benefits.

There was a brief discussion about the actual number of vacancies in the Police Department. Chief Hogan stated that as of today, there are 14 vacancies.

Council members felt the presentation given to Council was very informative and instructed City staff to prepare a video containing this information to play on our Government Channel.

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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 October 25, 2005. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Deadline Requirements

Mr. Joe Heard, Development Services Director, said that this is the consideration of this amendment to the Unified Development Ordinance (UDO) for the purpose of amending specific deadline requirements for rezoning applications and zoning study petitions.

Presently, the UDO outlines a deadline of 9:00 a.m. on the first Monday of the month for the submittal of rezoning applications and zoning study petitions. This day/time conflicts with the application deadline for all other types of applications (conditional use permits, Level II/III projects, etc.). This amendment is proposed by staff to set a consistent deadline for the types of larger scale applications

heard by the Technical Review Committee, Planning & Zoning Commission, and/or City Council.

Pro –

- The amendment would make application deadlines consistent for all larger development applications.

Con –

- Moves the currently stated deadline 5.5 working hours earlier.

The Planning and Zoning Commission recommended approval of these code amendments on September 7, 2005, by a unanimous vote of 6-0.

City staff recommends City Council adopt the ordinance to amend specific deadline requirements for rezoning applications and zoning study petitions.

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.

UPDATES TO THE STORMWATER, EROSION CONTROL AND FLOODPLAIN ORDINANCES

Stormwater Coordinator Chad Pierce said that City staff is in the process of evaluating changes to the Stormwater, Erosion Control and Floodplain ordinances. Staff has prepared a Request for Proposals and received proposals for the above work. Staff reviewed the proposals and is recommending the City contract with Woolpert, LLC in the amount of \$85,500 to perform this work.

Regarding the stormwater ordinance, the City is required as part of the NPDES – Phase II regulation to add post-development construction requirements to address water quality. This ordinance must be adopted by July 1, 2006. Additionally, our current ordinance is out-dated for calculating stormwater runoff.

Regarding the erosion control ordinance, the City is a delegated review agent of the state for purposes of reviewing and approving sediment and erosion control plans. Due to recent development concerns and excessive erosion problems, staff feels it is appropriate to review this ordinance.

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Regarding the floodplain ordinance, the City is delegated by FEMA to administer the National Flood Insurance Program. We administer this program through the floodplain ordinance. Given our recent experience with flooding, this ordinance needs to be reviewed to ensure that it is meeting the city's current needs.

The process of revising these ordinances will include a public Stakeholders process. Staff proposes to bring the contract to Council in November or December 2005 for approval.

BOARDS AND COMMISSIONS:

At the request of the Downtown Commission, it was the consensus of City Council to allow the Commission more time within which to bring a recommendation to Council for their vacancy.

COUNCIL MEETING SCHEDULE

It was the consensus of City Council to cancel the November 29, 2005, City Council community meeting.

CLOSED SESSION

At 9:07 p.m., Councilman Dunn moved to go into closed session for the following reason: to consult with attorneys employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including litigation involving the following parties: City of Asheville, City of Asheville Board of Adjustment, and Reid Thompson. The statutory authorization is contained in G.S. 143-318.11(a)(3). This motion was seconded by Councilwoman Bellamy and carried unanimously.

At 10:20 p.m., Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Councilman Dunn and carried unanimously.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 10:20 p.m.

CITY CLERK

MAYOR