

Worksession

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Diana Hollis Jones; Councilwoman Robin L. Cape; Councilman Jan B. Davis; Councilman Bryan E. Freeborn; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

GROWTH AND DEVELOPMENT POLICIES

Planning & Economic Development Director Scott Shuford said that City staff has taken the input received from the City Council worksession on May 16, 2006, and the Development Issues Forum on May 30, 2006, and produced the following summary report. He explained how the report is supported with a variety of attachments, listed below (but not specifically included in these minutes):

- Selected Council Minutes – May 16, 2006, Worksession
- Executive Summary and Complete Responses from the May 30, 2006 Development Issues Forum and follow-up correspondence
- Table Summarizing Proposed Revamping of City Zoning Districts
- Example Illustrating Ordinance Requirements
- Town of Knightdale UDO Development Review Process Example
- Proposed Land Use/Economic Development Analysis
- Neighborhood Coordinator Position and Formal Staff Query Program
- Town of Apex Interactive Development Map Link

Summary Report

Six common themes emerged from Council comments and public input. These are listed below:

- Development Regulations
- Economic Development
- Transportation
- Green Building
- Public Involvement/Communication
- Housing

Development Regulations:

A common theme has emerged with both Council members and the public requesting amendments to the UDO that make it clearer, more “environmentally-sensitive,” and directive as far as important City goals. The following table summarizes content and clarification changes proposed by staff to address these issues. Some staffing resources will be needed to effectively implement and enforce these changes. Proposed completion date including public input via focus groups is December 31, 2006, using staff resources.

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Proposed UDO Changes

Significant Content Changes

Nonresidential zoning districts and mixed use zoning districts	See table that addresses changes proposed for this key section.
Parking, landscaping, buffering, and loading requirements	Illustrations, adjustments to requirements, retroactive landscaping requirements, simplifications (see example)
“Environmental” regulations:	
• Floodplain Management	• Best practices adjustments

- Open Space
- Hillside, Steep Slopes
- Ridgetop

Nonconformities

Incentives for: Green building, multimodal transportation, affordable housing, smaller unit size

- Fee-in-lieu, increased scope
- Increased scope
- Increased scope

Broader application, lower thresholds

Process and development intensity adjustments

Significant Clarification Changes

Development processes

Flow charts (see page from Town of Knightdale UDO)

Definitions

Review and add any needed definitions

Signs

Review and clarify as needed; match with revisions to zoning districts

General

Use of tables and charts

No Significant Changes Proposed

Residential Zoning Districts

Maintain current requirements

Overlay Districts

Add adaptive reuse overlay district

Subdivision regulations

Minor technical adjustments

Economic Development

- Public and Council concerns address the need for a broader perspective on economic development issues. The following steps are proposed:

- Completion of a comprehensive economic development incentives program to provide incentives to the “right” kind of business recruitment retention and expansion. Proposed program completion: December 31, 2006. Proposed program implementation: Beginning with FY 2007/2008 budget.
- Completion of a comprehensive economic development/land use analysis by an outside consultant to identify consistency between the City’s development regulations and pattern and the adopted economic development goals. Follow-up work will coordinate adjustments to regulations and goals as necessary. Completion date for analysis is per attached report. Incorporation of ideas and concepts into development regulations and economic development incentives are dependent on Council direction.
- Website targeting areas of the City where redevelopment activities are encouraged (this is the so-called *Priority Places* program). Proposed completion: December 31, 2006.

Transportation

- Promotion of multimodal transportation alternatives was identified by both Council members and the public as an important objective. The following steps are proposed:

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- Budgetary focus on capital and operational needs for sidewalks, transit, greenways, and bike lanes/paths. Proposed program implementation: Beginning with FY 2007/2008 budget.
- Inclusion of best practices for multimodal transportation in City and MPO regulations and standards. Proposed completion: December 31, 2006.
- Identifying and implementing regulatory process, development intensity and financial incentives for incorporating multimodal and greenway amenities in development plans. Proposed program completion: December 31, 2006. Proposed program implementation – financial incentives: Beginning with FY 2007/2008 budget.

Green Building

- Promotion of Green Building was mentioned by both Council members and the public as an important objective. The following steps are proposed:

- Promotion of best practices for Green Building in City brochures and web-based media. Proposed program completion: December 31, 2006.
- Inclusion of best practices for Green Building in City regulations and standards. Proposed program completion: December 31, 2006.

- Identifying and implementing regulatory process, development intensity, and financial incentives for incorporating Green Building methods in development plans. Proposed identification step: December 31, 2006. Proposed program implementation – financial incentives: Beginning with FY 2007/2008 budget.

Public Involvement/Coordination

Improving the content and extent of public communication was identified as a priority by Council and the public. Ideas for accomplishing these objectives include:

- Creation of a neighborhood coordinator position and formal staff query program. Possible inclusion in FY 2006/2007 budget.
- Installation of a development review mapping tool on the City webpage which would provide detailed information about development projects throughout the City. Proposed completion: December 31, 2006.

Housing

Promotion of affordable housing was identified by both Council members and the public as an important objective. The following steps are proposed:

- Budgetary focus on capital needs for affordable housing (Housing Trust Fund, infrastructure investments). Annually as part of budget process.
- Identifying and implementing regulatory process and development intensity incentives for incorporating affordable housing in development plans. Proposed program completion: December 31, 2006.
- Build on the “out-of-the-box” analysis of affordable housing options. Council objectives, and additional community input in order to restructure our housing programs, staff assignment, and financial resources for maximum effectiveness in the promotion of affordable housing. Proposed timeline: (1) identification of Council objectives (what affordable housing “looks like” – issues such as price ranges, rents, unit sizes, client/income group, etc.): September 30, 2006; (2) program analysis and development: December 31, 2006; and (3) community, stakeholder input – final Council direction: March 31, 2007.

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Mr. Shuford responded to various questions/comments from Council, some being, but are not limited to: the need for a comprehensive plan on how to address affordable housing in the community; how is the form based performance zoning and the possibilities of illustrated ordinances moving forward and when will Council see those changes; what are some of the significant content changes in the zoning districts, parking, landscaping, buffering and loading requirements; will the residential zoning classifications change; and will there be opportunity for multi-family development based on footprints.

Councilman Mumpower felt that this is another framework for the City to control market forces and other issues in the community. Philosophically he felt the City is looking at finding ways to exert greater control over other people’s property in the City.

Mayor Bellamy said that her goal in this process is to make things clearer and easier for developers and our community.

Councilman Newman felt that Council needs a range of different kinds of housing in the community. He felt that we may need to be specific when it comes to financial strategies, but a good land use plan will be respectful of neighborhoods and allow infill development with reasonable regulations and good incentives allowing the housing community do what they are good at doing.

It was the majority of Council’s direction to accept the Planning & Development Department’s work program outlined above.

MAYORAL ELECTION AND 4TH SEAT REPLACEMENT

City Attorney Oast said that N.C.G.S. 160A-63 prescribes the method of filling vacancies on municipal governing boards.

Depending on when during the term a vacancy occurs, the statute provides for the unexpired term to be filled first by approval of the Council, then by election at the next regular city election. The manner of filling vacancies on Council is not one of the features of the governmental structure (like term length or partisan elections) that Council can change by ordinance, but it appears to be possible for a municipal charter to prescribe a different procedure for a particular city.

Our limited research on other NC municipal charters indicates that, where a charter makes specific provision for filling

vacancies, it either refers to the applicable State law, or prescribes a process not significantly different from State law. Some charters prescribe a different procedure for filling a vacancy in the Mayor's office than a vacancy on Council, and some specify a process that applies if Council fails to make an appointment within a certain time. Asheville's charter provides only that vacancies will be filled by the Council for the remainder of the unexpired term.

In summary, City Attorney Oast said that Council can appoint the next highest vote-getter, appoint whoever Council wants, or ask for legislative approval to change Asheville's charter to reflect that if the vacancy is not filled within 60 days then a special election must be held.

We will continue our research, and report any additional findings to Council.

Vice-Mayor Jones supported changing Asheville's charter to reflect that in the election year of the Mayor that if a seated Council member is elected Mayor that the unexpired seat be

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filled by the 4th highest vote-getter. However, if the Mayor or a Council seat is vacated for other reasons, then Council should make the appointment, due to the cost of an election.

Upon inquiry of Councilman Mumpower, City Attorney Oast believed that the general law states that if a Council member is running for an office that they don't have to give up their current seat. He said that he would verify that information.

Councilman Davis was not certain that he could support the Charter change automatically giving the unexpired seat to the 4th highest vote-getter.

Councilwoman Cape could not support asking for another election due to the cost associated with elections and also do to the fact that the community had just voted. She would support a Charter change to allow the 4th highest vote-getter being appointed to the vacated Council seat.

Councilmen Mumpower, Newman and Freeborn also supported the Charter change to allow the 4th highest vote-getter being appointed to the vacated Council seat.

Upon inquiry of Councilman Newman, City Attorney Oast said that he would research why municipal elections hold their elections in odd-numbered years and why they are not held on the same election cycle as state and federal elections. If they were held in the state and federal election cycle, cities could save money and get a lot higher percentage of the community participating in the local elections.

Councilwoman Cape said that it says that any vacancy shall be filled by the Council for the remainder of the unexpired term. She wondered if she had to give up her seat now (with almost 4 years to serve) does that person sit for the almost 4 years until her term expires, or until the next election. City Attorney Oast said that general law provides that if there is an intervening city election, then the unexpired term gets filled at that election. He did feel that provision needs to be clarified.

Councilwoman Cape felt the Charter provision should be clarified that the unexpired term be filled at the next election.

After a brief discussion, it was the consensus of Council to ask the City Attorney to research the issue of filling the unexpired term at the next city election, in that some Council had concerns about the public voting for 3 members when there are 4 positions open.

Upon inquiry of Vice-Mayor Jones, City Attorney Oast said that City Council can chose to do partisan or non-partisan elections by an ordinance adoption.

Mayor Bellamy said that these items will be brought back to Council after the City Attorney has had an opportunity to research the individual questions.

BOARDS AND COMMISSIONS:

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to arrange interviews for Rhett Grotzinger, John Panarites, David Hillier and Martha Marshall the vacancies on the Airport Authority

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to appoint Janet Whitworth as an Alternate member to the Board of Adjustment.

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It was the consensus of City Council to instruct the City Clerk to re-advertise the vacancies on the Civic Center Commission and to reappoint George Keller to that Commission.

It was the consensus of City Council to instruct the City Clerk to arrange interviews for Sheryl Near and Sharon West for a vacancy on the Civil Service Board.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Tommy Wilson (electrical contractor), reappoint Ronnie McAbee (journeyman electrician), appoint Fred Pratt (utility representative), reappoint Brian Kintner (licensed engineer) and reappoint Harold Garland (layman) to the Board of Electrical Examiners.

It was the consensus of City Council to instruct the City Clerk to arrange interviews for William Allison, Todd Williams, Tebbe Davis, Amanda Starcher, Lupe Perez, Christopher Lyman, Timothy Ownbey and Tom Gholson for vacancies on the Historic Resources Commission.

It was the consensus of City Council to instruct the City Clerk to instruct the City Clerk to reappoint James Fink as a regular member and John Hayes as an alternate member to the Noise Ordinance Appeals Board.

It was the consensus of City Council to instruct the City Clerk to instruct the City Clerk to prepare the proper paperwork to reappoint Sam Camp, Carol Ann Pothier and Laura Williams to the Recreation Board and arrange interviews for Wind Peter Motika, Pastor Spencer Hardaway, Randolph Walter, Scott Barnwell and Shelley Booth for other vacancies on the Recreation Board.

It was the consensus of City Council to instruct the City Clerk to arrange interviews for Frank Salvo and Ronald Storto for a vacancy on the Buncombe County Tourism Development Authority.

After a brief discussion, it was the majority of Council's wish to advertise for the HUB Project Plan's Community & Economic Development Alliance with the normal monthly vacancy listing.

At 4:55 p.m., Mayor Bellamy announced a short recess.

BUDGET WORKSESSION

City Council gave direction to City staff at their final budget worksession, prior to the scheduled adoption of the Fiscal Year 2006-07 annual operating budget on June 27, 2006.

ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 7:10 p.m.

CITY CLERK

MAYOR