

Regular Meeting

Present: Vice-Mayor Jan B. Davis, Presiding; Councilwoman Robin L. Cape; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; Councilman William A. Russell Jr.; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and Deputy City Clerk Jacalyn Colson.

Absent: Mayor Terry M. Bellamy

PLEDGE OF ALLEGIANCE

Vice-Mayor Davis led City Council in the Pledge of Allegiance.

INVOCATION

Councilman Newman gave the invocation.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilman Mumpower, Consent Agenda Items "K", "L", "M", "O" and "P" were removed from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 19, 2008

B. RESOLUTION NO. 08-28- RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Summary: The term of Ben Durant, a member of the Firemen's Relief Fund, expired on January 1, 2008.

On February 19, 2008, it was the consensus of City Council to appoint Pat Lackey, as a member to the Firemen's Relief Fund, term to expire January 1, 2010, or until her successor has been appointed.

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C. RESOLUTION NO. 08-29 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT COMMISSION

Summary: The terms of Mr. J. Neal Jackson and Mr. Yuri Koslen as members to the Asheville Transit Commission expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Mr. J. Neal Jackson as a member to serve an additional three year term, term to expire December 31, 2010, or until his successor has been appointed.

In addition, on February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Mr. Yuri Koslen as a member to serve a three year term, term to expire December 31, 2010, or until his successor has been appointed.

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D. RESOLUTION NO. 08-30- RESOLUTION APPOINTING MEMBERS TO THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

Summary: The terms of Wendy Kussrow, Pattiy Torno, Richard Hall, Robert Shepherd and Jane Mathews, Ken Fulford and Hunt Mallett as members on the River District Design Review Committee, expired on September 1, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Wendy Kussrow (member at Council's discretion), Pattiy Torno (owner of property located within the River District), Richard Hall (Member of the RiverLink Board of Directors) and Robert Shepherd (Member of the RiverLink Board of Directors) as members to the River District

Design Review Committee, terms to expire September 1, 2010.

In addition, on February 19, 2008 City Council instructed the City Clerk to prepare the proper paperwork to appoint Marty Black (owner of property located within the River District) to the River District Design Review Committee.

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E. RESOLUTION NO. 08-31 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART BOARD

Summary: The terms of Kenn Kotara, Barbara Cary, Julie Calhoun-Roepnack and Barry Pate as members to the Public Art Board expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Kenn Kotara, Barbara Cary, Julie Calhoun-Roepnack and Barry Pate as members to the Public Art Board to serve a three year term, term to expire December 31, 2010, or until their successors have been appointed.

In addition, on February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to remove Kristen MacLeod and appoint Dana Erwin as a member to the Public Art Board to serve the unexpired term of Kristen MacLeod, term to expire December 31, 2008, or until her successor has been appointed.

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F. RESOLUTION NO. 08-32 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

Summary: The term of W. Louis Bissette, Jr., as a member on the Metropolitan Sewerage District Board, expired on January 19, 2008.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Mr. W. Louis Bissette, Jr. as a member on the Metropolitan Sewerage District Board to serve an additional three year term, term to expire January 19, 2011, or until his successor has been appointed.

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G. RESOLUTION NO. 08-33- RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE GREENWAY COMMISSION

Summary: The term of Christopher Gilbert, as a member on the Asheville Greenway Commission, expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Christopher Gilbert as a member on the Asheville Greenway Commission to serve a three year term, term to expire December 31, 2010, or until his successor has been appointed.

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H. RESOLUTION NO. 08-34- RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE FAIR HOUSING COMMISSION

Summary: The terms of Paul Ford, Geraldine Melendez and Jeff McMickens as members on the Asheville-Buncombe Fair Housing Commission, expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Paul Ford, Geraldine Melendez and Jeff McMickens as members on the Asheville-Buncombe Fair Housing Commission to serve three year terms, terms to expire December 31, 2010, or until their successors have been appointed.

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I. RESOLUTION NO. 08-35 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY AND THE ENVIRONMENT

Summary: The terms of David Spector, Jonathan Barnes and Vernon Dover (Progress Energy Representative) and Jonathan Barnes as members on the Sustainable Advisory Committee on Energy and the Environment, expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint David Spector and appoint Gary Hamrick (Progress Energy Representative) as members on the Sustainable Advisory Committee on Energy and the Environment to serve three year terms, terms to expire December 31, 2010, or until their successors have been appointed.

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J. RESOLUTION NO. 08-36 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

Summary: The terms of Robert Oast and Parker Andes as members on the Asheville Tree Commission, expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Robert Oast and Parker Andes as members on the Asheville Tree Commission to serve an additional three year terms, terms to expire December 31, 2010, or until their successors have been appointed.

RESOLUTION BOOK NO. 31 - PAGE

K. RESOLUTION AMENDING THE CITY'S 2007-08 CONSOLIDATED ACTION PLAN

This item was removed from the Consent Agenda for discussion and/or an individual vote.

L. RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT REGARDING ENTERING INTO A LEASE WITH THE ASHEVILLE BOARD OF ALCOHOLIC CONTROL FOR PROPERTY LOCATED AT 167 BILTMORE AVENUE

This item was removed from the Consent Agenda for discussion and/or an individual vote.

M. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KDC IRRIGATION CONTRACTORS FOR THE INSTALLATION OF AN IRRIGATION SYSTEM ON THE FRONT NINE HOLES AT THE ASHEVILLE MUNICIPAL GOLF COURSE

This item was removed from the Consent Agenda for discussion and/or an individual vote.

N. RESOLUTION NO. 08-39 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DECLARATION OF PERPETUAL LAND USE RESTRICTIONS WITH THE N.C. DEPT. OF ENVIRONMENTAL AND NATURAL RESOURCES FOR 173 S. CHARLOTTE STREET, ASHEVILLE, N.C.

Summary: The consideration of a resolution authorizing the City Manager to enter into a Declaration of Perpetual Land Use Restrictions with the N.C. Dept. of Environmental and Natural Resources (NC DENR) for 173 South Charlotte Street, Asheville, NC 28801.

A small portion of the City's Fleet Management parking lot is located over an old manufactured gas plant (MGP) site which operated in the early 1900's. Under Federal Regulations, Progress Energy is the potential responsible party (PRP) and has worked with the N.C. Department of Environmental and Natural Resources (who administrates applicable Federal Regulations in N.C.) to conduct a site assessment termed "Inactive Hazardous Substance site." Based on the results of the assessment, no removal of material will be necessary; however to insure disclosure to future owner(s), permanent land use restrictions are proscribed by law.

Beginning in 2003, Progress Energy conducted a comprehensive field investigation of the MGP site to include soil borings, temporary monitoring well, and soil sampling.

The Remedial Investigation Report (July 2006) as prepared by Progress Energy and submitted to NC DENR states, "On a site-wide basis soils and groundwater at the site do not exceed residential remedial goals. Since no chemicals of potential concern have been identified at concentrations of concern there is no significant increase in health risk due to historic MGP operations."

Based on the findings of the field investigations, no excavation or material removal is required. With residual amounts of hazardous material, typical remediation call for old abandoned sites to be identified on the property's deed as a former MGP site and impose restriction(s) on the future use of the property.

Specifically, the key restrictions state, "...no construction excavation or disturbance of soils at a depth in excess of five (5) feet below the existing grade, including installation of utilities, shall occur at this site." In light of the close proximity of the site to an active creek (Nasty Branch) at a lower elevation, staff concurs with the reasonableness of the restrictions.

Based upon the findings in the July 2006 Remedial Investigation Report, the final phase consists of a signed agreement titled "Declaration of Perpetual Land Use Restrictions" (DPLUR) to include a survey map which is recorded and attached to the existing deed to the property. Such restrictions will have no impact for most uses if the property is ever sold or re-developed.

The City's Legal staff and NC DENR staff worked together to develop the final language of the DPLUR.

Legal and Public Works staff recommends City Council approve a resolution authorizing the City Manager to enter into a Declaration of Perpetual Land Use Restrictions with the North Carolina Department of Environmental and Natural Resources for 173 South Charlotte Street, Asheville, NC 28801.

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O. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE LAND-OF-SKY REGIONAL COUNCIL IN ORDER TO PASS THROUGH FEDERAL FUNDS FOR TRANSPORTATION PLANNING

This item was removed from the Consent Agenda for discussion and/or an individual vote.

P. BUDGET AMENDMENT FROM THE MANAGER'S CONTINGENCY FUND TO CONDUCT A CITIZENS SURVEY

This item was removed from the Consent Agenda for discussion and/or an individual vote.

Q. RESOLUTION NO. 08-41- RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA INC. TO PURCHASE AN AUDIO LOGGER RECORDING SYSTEM FOR THE ASHEVILLE POLICE DEPARTMENT'S COMMUNICATIONS UNIT

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Motorola, Inc. to purchase an Audio Logger Voice Recording System for the Asheville Police Department Communications Unit.

In order to record police radio communications as well as Communications Unit and Central Records Unit phone conversations, it is operationally necessary to purchase a new Audio Logger System. This system can also record on scene fire communications. Our current system is antiquated and is outside any possibility for maintenance. Our maintenance contractor notified is in June of 2007 that they would no longer be able to service the current system because of age and lack of replaceable parts.

For agencies Accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA), it is required by Standard 81.2.8 for Professional Agencies to have the "capability of immediate playback of recorded telephone and radio conversations while it maintains a continuous recording of radio transmissions and emergency telephone conversations within the communications center." The Asheville Police Department is accredited through CALEA. We are scheduled for re-Accreditation in August of 2008. It also makes good business sense to record phone communications in the event these conversations are needed for criminal investigations and/or internal investigations. Recorded radio and phone communications have been instrumental in providing the citizens of Asheville with quality communications related service for many years. The recorded communications have also provided valuable evidence in many criminal prosecutions.

Proposal: To purchase a modern state of the art Audio Logger system that will not only meet our current needs but will meet our needs in the future. This system must be utilized in the current Unit location as well as have remote or direct capability when the Unit moves to the Joint Communications Center at Erwin Hills. Our chosen vendors of NICE through Motorola and Communications Services, Inc. are already established vendors, have been or are current vendors for the City, and are part of a nationwide as well as worldwide system. This Audio Logger system will allow us to upload radio and phone conversations immediately in real-time in a searchable digital database format for reviewing. We will also have record on demand features for Internal Affairs and Administrative phones when needed to record valuable or evidentiary phone conversations.

Monies are budgeted in our 2007/2008 Fiscal Year Capital Improvement for this purchase.

The Police Department partnered with the City's Information Technology Services Department to seek the best vendor with the best product that would meet our needs now and in the future. Four vendors provided specifications and quotes. One vendor provided the specifications needed. The cost of the Audio Logger is \$108,213.00.

- Staff recommends City Council approve a resolution authorizing the City Manager to enter into an agreement with Motorola, Inc. to purchase an Audio Logger Voice Recording System for the Asheville Police Department Communications Unit.

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Vice-Mayor Davis said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Russell moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Jones and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

K. RESOLUTION AMENDING THE CITY'S 2007-08 CONSOLIDATED ACTION PLAN

Summary: The consideration of a resolution to amend the City's 2007/2008 Consolidated Action Plan.

- The 2007 Action Plan for the Community Development Block Grant (CDBG) and HOME programs included a \$10,000 CDBG grant to Neighborhood Housing Services (NHS) for Community Organizing in the West Riverside Weed and Seed area. NHS no longer has the capacity to carry out this program, but, with the support of the NHS board, the Coalition of Asheville Neighborhoods (CAN) is requesting that the grant be transferred to them.

The CAN Board intends to oversee the grant and administer the program. They will hire Barbara Verni Lau, who was formerly NHS's Community Organizer. With additional funding from other sources, CAN will continue work that NHS started in West Riverside and also work with other neighborhoods within Weed and Seed to help them become better organized.

Transferring the existing grant to a different organization does not amount to a "substantial change" requiring a formal amendment to the 2007 Action Plan, but does require Council approval. The Housing & Community Development Committee has reviewed the request and recommends approval.

Pros:

- CAN will carry out the program as proposed in the 2007 Action Plan.
- The proposed community organizer is known to be experienced and capable.
- The activities will support the Weed & Seed program.

Cons:

- To date, CAN has been a volunteer-only organization; it does not have experience in administering federal grants.
- Maintaining the program beyond mid 2008 will require an additional grant in the 2008 Action Plan.

- City staff and the Housing & Community Development Committee recommends City Council approve a resolution to amend the City's 2007/2008 Consolidated Action Plan.

Ms. Patty Beaver, representing the Council of Independent Business Owners (CIBO), said that CAN is a volunteer organization that has never been assigned the responsibility of implementing CDBG funds for activities such as the federal Weed and Seed Program. In fact, they have no track record of being able to account for federal dollars. The City would be better served by using one of the established agencies that is accustomed to administering these types of programs. CIBO opposes the transfer of \$10,000 to CAN.

There was discussion regarding the transfer of \$10,000 to CAN, which has not played this type of role in the past, but which some of Council felt was capable in carrying out this specific grant. In summary, Councilwoman Cape moved to table this action and ask staff to contact other organizations who have experience in administering CDBG grants to see if they would be interested in carrying out this program; and to bring the matter back to Council at their next formal meeting. This motion was seconded by Councilwoman Jones and carried on a 5-1 vote, with Councilman Mumpower voting "no."

L. RESOLUTION NO. 08-37- RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT REGARDING ENTERING INTO A LEASE WITH THE ASHEVILLE BOARD OF ALCOHOLIC CONTROL FOR PROPERTY LOCATED AT 167 BILTMORE AVENUE

Summary: The consideration of a resolution directing the City Clerk to publish a Notice of Intent regarding entering into a lease with the Asheville Board of Alcoholic Control for property located at 167 Biltmore Avenue.

The property at 167 Biltmore Avenue is owned by the City of Asheville and is located on the corner of Biltmore Avenue and South Charlotte Street. In 1985, the City of Asheville leased this property to City of Asheville Board of Alcoholic Control for a retail outlet store and the Board of Alcoholic Control is currently occupying the space on a month-to-month basis.

This proposed lease will enable the Board of Alcoholic Control to maintain the current use as a retail outlet store. There is a provision which allows either party to terminate the agreement upon 180 days notice. The term of the Lease will be for four years. The monthly rent will be \$1,006.75 for the first lease year, starting March 2008, (reflecting a 20% increase over the previous rent) and increasing by 20% each year. The Board of Alcoholic Control will carry utilities, water, electricity and gas at its own expense.

Approval of this resolution will authorize the City Clerk to publish a Notice of Intent to enter into the Lease.

Pros:

1. The terms of the lease allow the existing South Charlotte Street ABC store to continue its current operation and perform the governmental function of the sale, control and regulation of alcoholic beverages and the distribution of its gross receipts according to North Carolina General Statutes.
2. The rental income from this particular property benefits the Community Development Block Grant Program.

Con: There is no negative impact.

Economic Development and Community Development staff recommends City Council approve a resolution directing the City Clerk to publish a Notice of Intent regarding entering into a lease with the Asheville Board of Alcoholic Control for property located at 167 Biltmore Avenue.

Councilman Mumpower explained why he felt that the City should charge the ABC Board fair market value.

Throughout discussion about how the lease amount was determined, Real Estate Manager Nikki Gunter responded to several questions/comments from Council.

ABC Board Chair Charles R. Worley explained the negotiation process with the City and asked for Council's support. He also pointed out that they do make distribution of the profits back to the City.

Councilwoman Cape moved for the adoption of Resolution No. 08-37. This motion was seconded by Councilwoman Jones and carried on a 5-1 vote, with Councilman Mumpower voting "no."

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M. RESOLUTION NO. 08-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KDC IRRIGATION CONTRACTORS FOR THE INSTALLATION OF AN IRRIGATION SYSTEM ON THE FRONT NINE HOLES AT THE ASHEVILLE MUNICIPAL GOLF COURSE

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with KDC Irrigation Contractors in an amount not to exceed \$220,000 for the installation of an irrigation system on the front nine holes at the Asheville Municipal Golf Course.

- In 2007, City Council approved \$250,000 as part of the City's FY 07/08 capital improvement budget for the irrigation system and back flow preventers at the Asheville Municipal Golf Course. The City issued a request for proposals for the project and the lowest, responsible bid was received from KDC Irrigation Contractors for a cost of approximately \$220,000. This expense, along with the cost of and the installation of a water tap and back flow preventers will total \$250,000.

Pros:

The contract amount plus the cost of the water tap and backflow preventers will not exceed the approved project total of \$250,000

- The new irrigation system will replace an old and antiquated system that is manually operated and in continuous need of repair
- The new system will save considerable time and money in the form of staff and repair costs
- The new system will increase water efficiency while improving overall playability of the golf course
- Water and cost savings due the replacement of an old, leaking and obsolete system
- Back flow preventers are required by the Water Department and will put the Golf Course in compliance with public health and safety standards

Con:

- There will be some inconvenience to golfers during the time of construction and installation

Parks and Recreation Department and Cultural Arts Department recommends City Council approve a resolution authorizing the City Manager to enter into a contract with KDC Irrigation Contractors in an amount not to exceed \$220,000 for the installation of an irrigation system on the front nine holes at the Asheville Municipal Golf Course.

Councilman Mumpower didn't believe the City should be in the golf business and also didn't support spending \$220,000 to upgrade the course. He felt that money could be used for core services, e.g., hiring of 4-5 additional police officers.

Councilwoman Cape said that we must take care of what we own and this upgrade will also increase water efficiency at a time when water is a premier concern in our community.

Vice-Mayor Davis pointed out that the City acquired the golf course when the Water Agreement was dissolved.

Councilwoman Cape moved for the adoption of Resolution No. 08-38. This motion was seconded by Councilwoman Jones and carried on a 5-1 vote, with Councilman Mumpower voting "no."

RESOLUTION BOOK NO. 31 - PAGE

O. RESOLUTION NO. 08-40 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE LAND-OF-SKY REGIONAL COUNCIL IN ORDER TO PASS THROUGH FEDERAL FUNDS FOR TRANSPORTATION PLANNING

Summary: The consideration of a resolution authorizing the City Manager to execute an agreement with the Land of Sky Regional Council in the amount of \$300,000 in order to pass-through federal funds for transportation planning.

Since the early 1970s, the City of Asheville has served as the Lead Planning Agency (LPA) for the Metropolitan Planning Organization (MPO). The MPO is part of a federally required process to conduct transportation planning in urban areas. Over the last 30 years the boundaries of the MPO have grown, and the membership of the MPO now includes all of the eighteen local governments in Buncombe, Haywood, and Henderson Counties. Based on this regional focus, and other factors listed below, it seems likely that the LPA function will move to the Land of Sky Regional Council.

The MPO's governing body, the Transportation Advisory Committee, has not taken final action on the matter, but based on all of the initial feedback, this change seems almost certain. The Land of Sky Regional Council will be required to hire staff and begin assuming the role of managing the MPO. To aid in this transition, staff is recommending a temporary contract arrangement, whereby the LOSRC can begin accessing the federal transportation planning funds in order to hire staff to operate the MPO.

The move of the LPA will require an update to the Memorandum of Understanding between the eighteen local governments of the MPO and the State of North Carolina. This update process will take time. In the interim we plan to begin transferring the planning functions to LOSRC staff.

Facts:

- The MPO receives federal funds through the North Carolina Department of Transportation.
- There is currently a reserve balance of funds that are available for MPO planning.
- The funds are 80% federal with a 20% local match. The match is provided by the local government members of the MPO and is split based on population (currently paid by the five largest local governments).
- The Land of Sky Regional Council currently provides the staff for the Rural Planning Organization (RPO).

Pros:

- o Moving the staff to Land of Sky Regional Council will move a regional function to a regional agency.
- o It will consolidate both urban (MPO) and rural (RPO) regional transportation planning at one agency.
- o Possible efficiencies of having all regional transportation staff at one agency and joint meetings of the MPO and RPO.
- o LOSRC has a good track record of running the RPO.
- o The funding source is steady, and there are reserve funds available to ease the transition.

Other Considerations:

- o The transition will require re-adoption of the Memorandum of Understanding by all eighteen local governments in the MPO.
- o City of Asheville has historically covered the costs of office space, equipment and support services.
- o LOSRC will have to hire new staff, purchase office equipment, set up procedures etc.
- o There are many partners in the MPO and RPO process that will need to adjust to a new MPO structure.

Staff recommends City Council approve a resolution authorizing the City Manager to execute an agreement with the Land of Sky Regional Council in the amount of \$300,000 in order to pass-through federal funds for transportation planning.

Councilman Mumpower explained why he felt the system is so layered with bureaucracy and complex that accountability is almost impossible.

Councilman Newman said that this will make transportation planning in our area more efficient and less bureaucratic. There is a lot of talk about the need for regional planning in the area and this is a very specific step in that direction.

Councilman Newman moved for the adoption of Resolution No. 08-40. This motion was seconded by Councilwoman Jones and carried on a 5-1 vote, with Councilman Mumpower voting "no."

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P. ORDINANCE NO. 3586 - BUDGET AMENDMENT FROM THE MANAGER'S CONTINGENCY FUND TO CONDUCT A CITIZENS SURVEY

Summary: The consideration of a budget amendment in the amount of \$23,200 from the manager's contingency fund to conduct a citizen survey.

Citizen surveys are used to set performance standards for local government, measure successes and identify opportunities to improve. Surveys offer a useful way to hear from residents who may be too busy to actively participate in community forums, Council meetings, public meetings and other opportunities for public engagement. Results from a survey will be used to better understand what citizens think about municipal services and communications efforts. Survey results will also be a benchmarking tool that will allow management and Council to look at trends over time as well as to compare to results in other communities.

National Research Center, Inc., a research and evaluation firm focusing on the information requirements of the public sector, has partnered with the International_City/County Management Association (ICMA) to create The National Citizen Survey™, a uniform survey tool used by diverse local jurisdictions across the U.S. to assess resident satisfaction with community amenities and government service provision.

The National Citizen Survey (NCS) offers a customizable mail survey that includes 42 service ratings on the standard survey. Three optional policy questions are included as part of the basic service, along with statistical analysis of results, a written report, and comparative norms from aggregated results in other communities.

Also included are 400 telephone interviews for additional data collection; surveys in Spanish; crosstabs by geographic variable and by four demographic variables; one custom open-ended question; and an on-site presentation of results by a NCS representative. NCS guarantees a margin of error of no more than +/- 5%.

The total cost for the survey is \$23,200. Funding will come from the manager's contingency account. If approved, pre-notification postcards and then the survey will be mailed in April. Data will be collected and processed in May, and the city will receive a draft report in early June. The final report of survey results will be available the third week of June.

A sample has been distributed to department directors for input via the department communications liaisons.

Pros:

- Allows staff to capture performance measurements directly related to City Council's strategic plan and department business plans.

- Improves management of government services by identifying strengths and areas for improvement.
- Furthers public confidence in local government.
- Provides the insight gained from collective opinions.
- Allows opportunities for benchmarking and tracking trends in citizen satisfaction.
- Provides guidance for improving communications to residents.

Con:

- The cost of the survey.

Staff recommends City Council approve a budget amendment in the amount of \$23,200 from the manager's contingency fund to conduct a citizen survey.

Councilman Mumpower felt spending \$23,200 on a survey is a misinvestment of precious dollars. He questioned, under existing circumstances, if we have the ability to process the information we already have in hand on our services.

City Manager Jackson explained how the survey is competitive intelligence. This is how we determine whether or not we are getting our money's worth, and the true measure of what our quality is (the same way that private businesses do market research). This is an effort to engage a firm that will not only bring us our survey information but also give us baseline information about how our results compare to like measures of service in other communities.

Councilwoman Cape felt the \$23,200 will be money well spent if the community participates in the survey, which she urged them to do.

Vice-Mayor Davis felt the City currently obtains a lot of public information via forums, etc. and was not sure that spending \$23,200 on a survey at this time was the best thing to do.

Councilman Newman moved for the adoption of Ordinance No. 3586. This motion was seconded by Councilwoman Jones and carried on a 4-2 vote, with Vice-Mayor Davis and Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 24 - PAGE

III. PRESENTATIONS & REPORTS:

A. BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY ANNUAL REPORT

Mr. Craig Madison, Chairman of the Buncombe County Tourism Development Authority (TDA), presented City Council with the TDA's annual report. Using graphs, he explained the overnight leisure visitation to Asheville area and visitor spending (increased 24% since 1998). He said the typical Asheville visitors are (1) age: 50s; (2) household income of \$100,000+; (3) college or post-graduate degree; (4) no children in the home (i.e., empty nesters); (5) more than half employed full-time, 1/3 retired; (6) married and traveling as a couple; and (7) have internet access.

Using graphs, Mr. Kelly Miller, Senior Vice-President and Executive Director of the Convention & Visitors Bureau, explained the anticipated growth in hotel rooms; a comparative cities lodging data graph; and the economic impact of tourism (direct and indirect).

The total tax visitors pay on accommodations: 4% - Occupancy tax (3% for marketing and advertising and 1% for product development; and 6.75% - Sales tax (earmarked for state and local government) for a total of 10.75% tax paid on lodging.

Regarding tax returns to local government, (1) Buncombe County government estimates that visitors to the Asheville area generate one third of all retail sales; and (2) nearly \$40 Million goes back to local government in combined sales and property taxes that are the result of tourism.

Regarding the labor impact, (1) more than 18,000 people are employed in hospitality-related jobs in Buncombe County; and (2) estimated direct labor income impact is more than \$473 Million.

Tourism product funds awarded through 2007 equal \$9,033,500.

Projects funded by Buncombe County lodging industry occupancy tax (2007 cycle) include: Pack Square Park - \$1,500,000; Asheville Art Museum - \$1,000,000; The Health Adventure (momentum) \$1,000,000; Veteran's War Memorial - \$67,000; and Civil War Trails - \$16,500 - for a total of \$3,583,500.

Projects funded by Buncombe County lodging industry occupancy tax (previous cycles) include: John B. Lewis Soccer Complex at Azalea Park - \$800,000; Grove Arcade Public Market - \$500,000; Bonsai Garden North Carolina Arboretum - \$750,000; Asheville Visitor Center - \$750,000; Pack Square Park - \$500,000; and the Health Adventure - \$500,000 - for a total of \$3,800,000.

Regarding the Buncombe County Wayfinding Project, the TDA allocated \$1.65 Million for wayfinding. One Million, six hundred and fifty thousand was recommended by the Tourism Product Development Committee and approved by the TDA in December 2007 to fund county-wide wayfinding in partnership with the City of Asheville, Weaverville, Woodfin, Black Mountain, Montreat and Buncombe County.

He updated Council on the wayfinding project as follows: (1) working closely with the N.C. Dept. of Transportation (NCDOT) on established design guidelines and encroachment process for sign located on NCDOT roads in the county; (2) finalizing locations of pedestrian signs and kiosks and gateways; and (3) project may be phased starting with the fabrication and installation of wayfinding elements in the downtown followed by regional installation.

The Assistant Vice-President and Director of Marketing and PR said that tourism advertising efforts total \$3.06 Million in net media. New tourism ad campaigns include (1) Atlanta Campaign launched in August 2007; (2) Romance Campaign launched in fall of 2007; (3) Epicurean Campaign launched in January of 2008; and (4) a new overall campaign to be launched in late 2008.

Councilwoman Cape confirmed that visitors seek out smaller businesses. She also urged that when the Chamber does their marketing efforts to invite people to Asheville that they also add some awareness to slow down while traveling through Asheville.

Councilwoman Jones highlighted the great partnership with the Chamber of Commerce on the Wayfinding Project.

On behalf of City Council, Vice-Mayor Davis thanked the TDA for their concise presentation and for their efforts on behalf of the City of Asheville.

B. CLEAN AIR COMMUNITY TRUST

Mr. Dan Leroy, with the Clean Air Community Trust, explained the Climate Corps program. He explained what needs the program hopes to address, what the program will look like, and how can the City of Asheville get involved.

Mr. Leroy explained what a Corps is. We would like to focus a Corps in Asheville that will focus on climate change. There are 113 Corps in the United States and there is only one operating in North Carolina. The benefits include service-based education, job skills, leadership and life skills, stipends, education awards, environmental and community service, and impact.

He explained why we need a Climate Corps. Need #1 - Tangible projects that have a meaningful impact on causes and consequences of climate change. Some projects include: energy efficiency/green building; clean energy and fuels; transportation; ecosystem services; sustainable agriculture; and natural disaster response. These are some of the types of projects that can be done to address some of these problems: green building and design; installing solar panels or small wind turbines at city buildings, schools; energy audits; weatherization projects; native landscaping; planting trees; controlling erosion; restoring wildlife habitat; monitoring air and water quality; developing bike-friendly commuter corridors; organizing ride-shares; processing and distributing bio-diesel; developing community and school partners; repairing damage and helping victims after floods; and community education and engagement.

Need #2 - Quality training for green-collar jobs. The following are sectors that have green-collar jobs: bicycle repair and bike delivery services; mechanic, production and gas station jobs related to bio-diesel, vegetable oil and other alternative fuels; energy retrofits to increase energy efficiency and conservation; organic/sustainable food production; furniture building with environmentally harvested or reused wood; green building; green waste composting on a large scale; hauling and reuse of construction and demolition materials; hazardous materials clean-up; green (sustainable) landscaping; manufacturing jobs related to large scale production of a wide range of appropriate technologies; producing products made from recycled, non-toxic materials; non-toxic cleaning services; parks and open space maintenance and expansion; printing with non-toxic inks and dyes and recycled papers; public transit jobs; recycling; solar installation and maintenance; tree cutting and pruning, peri-urban and urban agriculture; water retrofits to increase water efficiency and conservation; and whole home performance (i.e., HVAC, attic insulation, weatherization, etc.) Key findings are that (1) green-collar jobs are good jobs; (2) green-collar jobs are well-suited for workers with barriers to employment, and these workers are interested in green-collar jobs; and (3) green-collar job sectors are growing.

In Asheville (1) wages are low, poverty is high - especially for workers with barriers to employment; (2) tremendous growth

in green industry; (3) 30,000 green jobs in North Carolina; and (4) 69 businesses registered in local green business directory.

Need #3 - Sense of hope.

Corps members receive stipends, academic credit, skills certification and tuition awards. Mid-year Corps members select a career "pathway" according to their interests.

He explained that the City of Asheville can get involved by (1) engaging Corps members in the City's sustainability projects; (2) help host Climate Corps members as interns; (3) funding or in-kind contributions; and (4) leadership.

In response to Councilwoman Jones, Mr. Leroy said that the target age group is the 17-20 year olds.

Through a consensus of Council, which was initiated by Councilwoman Cape, City Manager Jackson said that he will report back to Council in the budget process of how we might connect and expand the City of Asheville Youth Leadership Academy (CAYLA) into the Climate Corps Program and/or how the City can support the Climate Corps Program in some fashion.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF THE CITY OF ASHEVILLE'S COMPREHENSIVE BICYCLE PLAN

RESOLUTION NO. 08-42- RESOLUTION ADOPTING THE CITY OF ASHEVILLE'S COMPREHENSIVE BICYCLE PLAN

Vice-Mayor Davis opened the public hearing at 6:33 p.m.

Transportation Planner Dan Baechtold said that this is the consideration of a resolution adopting the City of Asheville's Comprehensive Bicycle Plan. This public hearing was advertised on February 15 and 22, 2008.

Mr. Baechtold said that the planning process was based on direction from City Council. Staff worked with the N.C. Dept. of Transportation (NCDOT) to jointly fund the development of a comprehensive bicycle plan for the City. The City hired the firm Toole Design Group, assisted by Livable Streets, Inc. Both firms are nationally recognized experts in bicycle planning. This is the City's first bicycle plan.

The City, NCDOT, and the consultants worked with a steering committee to guide development of the plan and gather public input. There was robust public participation in the creation of this plan. The first public open house was held in March 2007 and was attended by over 100 people. That meeting was followed by an online questionnaire. Though it was not a statistical sample, more than 800 responses were received.

The consultants researched local conditions, measured street widths, and consulted with the steering committee to develop draft recommendations. The recommendations were presented to the steering committee, and then to about 75 members of the public at a meeting in July of 2007. Based on feedback from the public, the consultants improved and refined the plan. Since late December, staff has gathered additional public input on the final draft of the bicycle plan. A formal public comment period was open for 30 days in January and early February.

Cost of the Plan: The total cost for developing the plan was \$47,915. The State contributed \$24,000. The Blue Ridge Bicycle Club has pledged \$1,000. The remainder, \$22,915, was paid for the by the City. The State has an interest in seeing these plans completed because the recommendations are used in the State's Comprehensive Transportation Plans.

Plan Recommendations: The Comprehensive Bicycle plan takes a long-range approach toward improving conditions for bicycling in Asheville. The goal of the plan is to improve conditions for both cyclists and motorists by creating a safe and accessible network of bicycle facilities. The plan also contains recommendations for facility design, education activities, enforcement, and other public policies that affect bicycle transportation.

Some recommendations in the plan could happen in the short term, at a relatively low cost. Other recommendations in the plan could be implemented as stand-alone projects, or in conjunction with street re-paving or widening projects. Because of this approach, the plan does not include an estimate of the total cost of implementation. Instead, the plan provides typical costs for various types of improvements. Many of the plan recommendations will be implemented over time, in conjunction with other projects. The plan does recommend that the City begin committing local funds toward making bicycle improvements.

Both City streets and State roads were analyzed to look for opportunities to improve conditions for bicycling. The NCDOT has been involved with plan development, but will need to review and approve any changes to their streets as specific changes are proposed. The NCDOT will analyze projects on a case- by-case basis to ensure that the streets continue to adequately meet the needs of motorists. Similarly, the City will want to closely evaluate each project to ensure a balance between motorist, bicyclist, and pedestrian needs, as well as transit and on-street parking needs. As we look to create "complete" streets for all of these users, this plan will be used as a reference to determine the appropriate recommendation for bicyclists.

The recommendations in this plan support the Asheville Greenway Master Plan and updated greenway priorities, and the 2025 City Development Plan. The bicycle plan draws from and references these plans. This plan does not take the place of the greenways plan. These plans are intended to complement one another.

Staff recommends City Council approve a resolution adopting the Comprehensive Bicycle Plan for the City of Asheville.

Mr. Dan Goodman, Transportation Designer with the Toole Design Group, explained the project goals as follows: (1) provide transportation alternatives; (2) create continuous linear connections; (3) provide facilities for the full range of users; (4) increase safety and mobility; (5) fully utilize existing pavement; (6) coordinate City, County and private-sector efforts; (7) prioritize improvements; (8) identify educational and awareness efforts; and (9) pursue bicycle-friendly policies and maintenance procedures.

The overview of the study process includes: (1) public input (a) public open house on March 8, 2007; and (b) public meeting on July 26, 2007; (2) online questionnaire (a) available for approximately one month; and (b) more than 830 people participated; (3) steering committee - steering committee meetings held on February 6, 2007, and July 25, 2007; and (4) background data collection and field analysis.

A field analysis was performed on the number of lanes, lane width, speed limit, parking, existing bike lanes, curb and gutter, sidewalks, buildable shoulders, recommended facilities and required actions.

He then explained a drawing of shared lane markings.

Using a map, he showed the bicycle route network consisting of bike lanes - 43 miles; climbing lanes - 17 miles; shared lane markings - 21 miles; shared roadways - 64 miles; striped shoulders - 21 miles; range of improvements - 15 miles; for a total bicycle network of 181 miles.

Using a Bicycle Action Map, he outlined the following: stripe/add marking - 25 miles; lane diet - 28 miles; road diet - 2 miles; remove parking - 1 mile; add paved shoulder - 39 miles; and range of improvement needed - 15 miles.

He explained that road diets go from, for example, 4 lanes to 3 lanes. Lane diets are keeping the same number of lanes, but narrowing them.

Recommendations: (1) improve conditions on arterial streets; (2) provide better direction through intersections; (3) provide better connections and access to points outside of Asheville; (4) incorporate greenway trails into the bicycle network; (5) pursue key operational improvements; (6) improve bicycle accommodations on bridges; (7) improve bicycle facility maintenance; (8) develop a signed bicycle route system; (9) improve conditions at interstate entrance ramps and railroad crossings; and (10) provide ancillary facilities.

A policy recommendation would be to improve coordination within the City, between the City and the NCDOT and with upcoming projects, ongoing planning efforts, etc. Regarding education and awareness, it is recommended to (1) pursue partnerships; (2) provide opportunities to learn about new bicycle facilities; and (3) provide educational opportunities focusing on safe bicycle behaviors, laws, etc.

Regarding implementation, short-term would be to complete key safety improvements; implement initial set of bicycle facilities; pursue pilot projects; coordinate processes, analyze bike/greenway connections; plan and budget. Medium and long-term implementations would include major corridors and key linear connections.

The following individuals spoke in support of Council's adoption of the Comprehensive Bicycle Plan for various reasons, most notably for the safety of the bicyclists and the health benefits associated with bicycling:

Ms. Claudia Nix, representing the Bicycle Pedestrian Task Force

Ms. Terry March, Buncombe County Health Center

Mr. Matt Johnson, owner of a bicycle shop in Asheville (presented a petition - that goes further than just the bicycle plan - representing 6,306 people)

Mr. Rich Mathews, parent
Mr. Robbie Sweetser
Mr. Michael Soule, founder of Asheville on Bikes
Mr. Jim Barton
Ms. Karen Austin, Chair of the Asheville Transit Commission
Mr. Wes Miller
Ms. Linda Giltz, Chair of the Asheville Greenway Commission
Mr. Yuri Koslen, member of the Steering Committee

Mr. and Mrs. Harry Vess, Swannanoa residents, felt that this Bicycle Plan is good; however, they were concerned of where the money would come from to implement the plan. Ms. Vess suggested the bikers help contribute to the maintenance of the highways as well as the people who drive on those highways.

Vice-Mayor Davis closed the public hearing at 7:35 p.m.

Councilwoman Cape moved for the adoption of Resolution No. 08-42. This motion was seconded by Councilwoman Jones.

At the suggestion of Councilman Newman, Councilwoman Cape and Councilwoman Jones agreed to accept a friendly amendment to move changing the on-street parking on College Street from short-term recommendations to medium-term recommendations or whenever the project re-striping is necessary, since it was not long that we made changes on College Street.

Councilman Russell agreed that the plan is good; however, he was concerned about working this plan into our budget. He felt we need to make strides to improve bicycling in Asheville and still take into account road expansion plans.

Mr. Baechtold said that each recommendation in the Plan will have to be considered on a case by case basis. He also agreed with moving the College Street recommendation into the future. With any of the recommendations there will be a process of balancing it, especially in the case of a road diet, which will require a traffic analysis and long-term projections to make sure we meet the needs of all the users - motorists and bicyclists. Even though they do have the per mile costs in the plan, a lot of the actual costs will depend on how aggressively the City wants to pursue the actions in the plan - and, waiting for opportunities is one way to do it. He hoped that in the short-term recommendations there are some that staff will pull out and recommend to the Department Directors and the City Manager, as part of the Capital Improvements Plan, so Council can weight those against the other needs in the City.

In response to Councilman Russell's comment about hoping that the NCDOT will help fund bicycle improvements in the roads they control, Mr. Baechtold said that a few years ago the General Assembly changed the laws for transportation planning and moved away from just having a highway thoroughfare plan to having a multi-modal transportation plan, which includes bicycles, pedestrians, highways, public transportation, etc. When the state is doing a roadway widening project, they will now look at the multi-modal transportation plan and incorporate those treatments for very little additional cost. Currently, on road widening projects, the state routinely includes a wider outside lane for bicycles. But part of what this Plan does for us says that in a lot of those cases that wider outside lane isn't the most appropriate treatment for that road. Now that we have a Plan, when the NCDOT is doing a roadway widening project, we can look at our Bicycle Plan and let them know what the appropriate treatment is.

Councilwoman Cape said that the Plan gives us a road map with which to make decisions in the future.

Councilman Mumpower explained that a plan without a budget and action steps is fantasy, and until we get safe routes to school for our children, it's wrong to invest our energies in nice things.

Councilwoman Jones supported the Plan and reviewing it in the budget process. She also urged the bicycling community to spread the word about enforcing the rules of the road.

In response to Councilman Russell, City Manager Jackson said that the next step will be for staff to put together short term plans, as we do for all our capital projects. With the Bicycle Plan being adopted as part of the 5-year Capital Improvement Plan (CIP), there will be conscious decisions made by staff to put forward recommendations in every budget cycle. As the Bicycle Plan is considered in the CIP Council will then allocate funds for the Plan and then projects will be prioritized within that allocation.

Vice-Mayor Davis said it was clear that a lot of work has gone into this Plan, but also noted the limited dollars the City has to invest.

Vice-Mayor Davis said that members of Council have previously received a copy of the resolution and it would not be read.

The amended motion made by Councilwoman Cape and seconded by Councilwoman Jones carried on a 5-1 vote, with Councilman Mumpower voting "no."

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At 8:00 p.m., Vice-Mayor Davis announced a 20-minute recess.

B. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE DEERFIELD EPISCOPAL RETIREMENT COMMUNITY PROJECT LOCATED AT 1617 HENDERSONVILLE ROAD FOR AN EXPANSION AND RENOVATION TO THE EXISTING FACILITY, AND A REQUEST FOR MODIFICATIONS TO HEIGHT AND LANDSCAPING STANDARDS

ORDINANCE NO. 3587- ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE DEERFIELD EPISCOPAL RETIREMENT COMMUNITY PROJECT LOCATED AT 1617 HENDERSONVILLE ROAD FOR AN EXPANSION AND RENOVATION TO THE EXISTING FACILITY, AND A REQUEST FOR MODIFICATIONS TO HEIGHT AND LANDSCAPING STANDARDS

Deputy City Clerk Colson administered the oath to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process. This process is the issuance of a conditional use permit, which is a quasi-judicial site specific act. At this public hearing, all the testimony needs to be sworn.

After hearing no questions about the procedure, Vice-Mayor Davis opened the public hearing at 8:23 p.m.

All Council members disclosed that they have visited the site and would consider this issue with an open mind on all the matters before them without pre-judgment and that they will make their decision based solely on what is before Council at the hearing.

City Attorney Oast said that as documentary evidence is submitted, he would be noting the entry of that evidence into the record.

Urban Planner Nathan Pennington submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Mr. Pennington said that this is the consideration of the issuance of a conditional use permit for the Deerfield Episcopal Retirement Community project located at 1617 Hendersonville Road for an expansion and renovation to the existing facility, and a request for modifications to height and landscaping standards.

Urban Planner Nathan Pennington oriented the Commission to the site location and said this review concerns a proposed expansion to the existing Deerfield Retirement Community development (City Exhibit 4 - Aerial Map). The facility has been in existence since approximately 1955, and in 1995 underwent a major expansion after receiving site plan approval and vested rights from City Council. Two of the buildings proposed on the site plan in 1995 were not constructed within the vesting period of two years and the order subsequently expired in 1997.

The following breakdown provides a summary of the proposed improvements to the site:

- An independent living facility, consisting of 82 new units and comprising 172,679 square feet.
- The community center renovation and addition of 526 square feet.
- An addition to the assisted living wing consisting of 20 new units and 56,262 square feet.
- An addition to the skilled nursing wing consisting of 14 new units and 24,870 square feet. (City Exhibit 5 - Site Plan)

The total new square footage of the proposed facility expansion is 254,337 square feet and 116 units. Other proposed improvements include internal private roads, parking areas, sidewalks, utility infrastructure and landscaping.

Pursuant to Section 7-5-9(a)(1)(a)(2) of the Unified Development Ordinance (UDO), office or institutional buildings, structures, or developments with a gross floor area of more than 100,000 square feet are reviewed as a Level III Site Plan Review.

The northwestern quadrant of the subject property falls within 1,320 feet of the centerline of the Blue Ridge Parkway and is therefore subject to the applicable provisions of the Blue Ridge Parkway Overlay District. The applicable provisions as they apply to this project are that no building or structure shall be constructed with a height in excess of 40 feet within this area, and any

structure other than single-family residential that will be visible from the parkway roadway must be further buffered by landscaping. The proposed skilled nursing wing addition and a small portion of the assisted living wing are located within the overlay district. The additions are designed so they will not exceed 40 feet in height and the site is buffered by existing vegetation that meets and exceeds the required 30 foot Class "B" bufferyard requirement along the northwestern property line bordering the Parkway.

Mr. Pennington explained in detail the applicant's request of three (3) modifications to the site development standards of the UDO pursuant to Section 7-5-5(h) (City Exhibit 6). The proposed independent living facility is sited in the southern quadrant of the subject property that is split zoned INST and RM-16. Pursuant to Section 7-11-2(d)(1), bufferyards shall be required for proposed developments adjacent to parcels of dissimilar zoning designations to provide a transition between districts of varying intensities. Therefore, the applicant is requesting a modification to apply the required buffer along the western perimeter of the property bordering the Ramble subdivision. This request would alleviate the duplicate effect of having to buffer both the internal zoning designations of RM-16/INST and perimeter designations of INST/RS-2 & RS-4. The second request involves a modification to building height. The maximum allowable building height in RM-16 is 40 feet. There is no maximum building height within the INST zoning district except within 100 feet of a residentially zoned area. Buildings that fall within this area are subject to the height limitations established in the least restrictive adjacent residential zone, thereby limiting the overall height in this area to 40 feet due to the proximity of the RM-16 and RS-2 zoning districts. The applicant is requesting a 7 foot 8 inch modification to the 40 foot maximum height allowance in order to match the existing independent living building constructed in 1995 (City Exhibit 7). The third modification request is for a modification (interior) of 2 feet for the addition to the assisted living wing for a total height of 42 feet (City Exhibit 8). No increase in height is being requested in the Blue Ridge Parkway Overlay portion of the property.

While the retirement community does not offer rents that are consistent with the City's affordability guidelines in the traditional sense, other financial assistance opportunities are made available to their residents. Such programs include assistance for residents who have outlived their financial resources; Deerfield has assisted approximately six residents per year for the past 10 years.

The applicant has expressed a willingness to institute green building techniques into the construction of the project.

The subject site is located off of Hendersonville Road and Racquet Club Road in south Asheville within the City's corporate limits. The property consists of one split zoned both RM-16 (Residential Multi-Family High Density District) and INST (Institutional) and is comprised of 109.76 acres according to Buncombe County tax records. The subject site is bounded to the north by the Blue Ridge Parkway, a single-family residence and an office, in which only the residence is zoned RM-16 due to the other property being located in Biltmore Forest. To the east the property is bounded by single-family residences in the Limestone Township, apartments and tennis club zoned RM-16 and a shopping center separated by Hendersonville Road zoned HB. The property is bounded to the south by single-family residences, apartments/tennis club/condos and a bank zoned RS-4/Limestone Township, RM-16 and HB respectively and to the west by single-family residences located in Biltmore Forest zoning and RS-4.

The RM-16 zoning district was created to permit a full range of high density multi-family housing types along with limited institutional, public and commercial uses appropriate within high density residential areas. It is intended that this district be located near employment centers, shopping facilities, roads and other urban infrastructure capable of handling the demand generated by high density residential development. The Institutional zoning district was created to reserve land for the development of major educational facilities, major medical facilities and other complementary and supporting uses such as health related developments, office developments, and public services.

At their January 7, 2008, meeting the Technical Review Committee (TRC) approved this project subject to the conditions in the TRC staff report. As of the time of this writing, staff has received two communications from adjacent property owners concerning height, site lighting and the location of the access road servicing the independent living building.

At their February 6, 2008, meeting the Planning and Zoning Commission approved this project subject to the conditions in the staff report with support for the requested landscaping and height modifications and the added condition that a transit stop be added along Hendersonville Road. Some citizens voiced concern about the proposed height of the independent living facility and proximity to the adjacent residential subdivision.

City Council must take formal action as set forth in Section 7-5-5(e)(3) of the UDO, and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case pursuant to Section 7-16-2(c) of the UDO. Staff's review indicates that all seven standards are met as proposed in the site plan.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

This has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the UDO, the Standards and Specifications Manual, the North Carolina Building Code and all other applicable laws and standards that protect the public health and safety.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

The proposed use is compatible with the surrounding natural features and topography. The proposed additions are clustered around the existing building complex so as to minimize overall grading.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The proposed development is compatible with the existing use of the property and is proposed to match the existing building designs in terms of architectural consistency. Staff feels that the proposed project would have no discernible effect on surrounding property values.

4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

There are a variety of commercial, institutional and residential developments in the area that would be consistent with the proposed development. The density of the project (existing & new) is approximately 4.3 dwelling units per acre. The zoning of the site is RM-16, and the proposal does not require density bonuses or special incentives to build this project. The proposed use is in harmony with the scale, bulk, coverage, density and character of the underlying area. The clustering of the additions to the existing building complex and the preservation of over 16.46 acres of open space on the site will assist the development in blending into the site in a similar fashion as other developments in the area have done.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

The application of high density infill development and job growth supports several goals and objectives as described in both the *Asheville City Development Plan 2025* and the *Strategic Operating Plan*.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

Development on the site will require final technical approval from all applicable departments including Water Resources, MSD, Engineering, Fire and Building Safety. The conceptual plans for the development have been reviewed by the City's Technical Review Committee, which found that adequate services and facilities are available for the proposed development.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The proposed project has been reviewed by the City's traffic engineer, and while a traffic impact analysis is required, the project is not expected to cause undue traffic congestion or create a traffic hazard.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- The proposed expansion is consistent with the established use of this property as a retirement/assisted living facility.
- The project supports the City's comprehensive plan as indicated in this report and is adequately served by needed infrastructure.

Cons:

- Some citizens may view the proposed height as not being in character with the surrounding residential neighborhood.
- Intensity of use is not typical of surrounding residential area (however the impact is somewhat mitigated by the distance between buildings).

Based on the above findings and the analysis provided in the report, staff finds this request with the three modifications to landscaping and height standards to be reasonable and recommends approval of the conditional use permit with the conditions outlined in the TRC report, and the conditions as follows: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with 90 degree cut-off fixtures and directed away from adjoining properties and streets; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (5) This project will undergo final review by the TRC prior to issuance of any required permits; and (6) A transit stop be added on Hendersonville Road.

Mr. W. Louis Bisette, Jr., representing Deerfield Episcopal Retirement Community Inc., gave a brief history of the Deerfield community. He said Deerfield completed its Master Plan in 1995 and the project is exactly like it is today. He said that in January 2005 Deerfield purchased 30 acres of additional property from the developer of the Ramble (Biltmore Farms) just in order for it to be able to move its independent living building footprint over. He said the existing independent living buildings are exactly the same height as the building they are requesting. They are requesting a 7-foot 8-inch modification to the height of the independent living building so that it will be like the buildings adjacent to it. It would be possible to decrease the height of the proposed independent living building to 40 feet, but that would require a much larger footprint which could actually be built up to 65 feet from the Ramble property line, instead of the 100 feet, and it would be much more of an imposing structure. In the past few weeks, Deerfield has met with the 5 adjacent residents in the Ramble which are impacted. Deerfield has pledged to do whatever it can to enhance the buffer areas and presented a plan, in conjunction with the Ramble developer that they hope will alleviate some of their buffering concerns. The proposed independent living facility location will also provide the connectivity that is required for a senior population. He explained that the only reason why a 7-foot 8-inch modification request is being requested is because of the RM-16 designation on Deerfield's own property, not because the Ramble property is designated RS-2. He explained that the other 2-foot modification, due to the Blue Ridge Overlay District, does not affect the exterior of the assisted living facility in anyway. Instead of an 8-foot ceiling in the dining room, they are requesting a 10-foot ceiling. He noted that you cannot see the assisted living facility from the Blue Ridge Parkway.

Mr. Jose' Montalvo, architect for the project, used diagrams and pictures to emphasize how Deerfield wants to be good stewards of the land and to minimize the impact on the environment - which the proposed independent living facility footprint does (Applicant Exhibit 1). He said the placement of the proposed independent living facility improves the site lines of the existing facilities and the loop road will provide connectivity for the senior citizens, increase additional fire safety and better circulation to the site. It also follows an existing roadway to minimize the impact to the landscape.

Mr. Tom Leslie, property owner in the Ramble who lives across the street and slightly down from the proposed independent living facility, felt that Deerfield should not be allowed to have a modification to their proposed building and to just build the facility with 4 stories and not 5. He said that a 5 story building will have a significant visual impact on the Ramble property owners.

The following individuals spoke in support of the Deerfield conditional use permit, along with the modifications requested, for various reasons, some being but are not limited to, the good work and generosity of Deerfield to the actual residents and community at large:

Mr. Jim Torpey, President of Council of Aging of Buncombe County
 Ms. Marilyn Carter, Director of Meals on Wheels
 Mr. Walter Horner, resident at Deerfield
 The Reverend Morgan Gardner, Chaplain of St. Giles Chapel at Deerfield
 Mr. Jim Fitz, son of a resident at Deerfield

Upon cross examination by Mr. Bisette, Mr. Leslie pointed out where he lived in connection with the proposed independent living facility and said that he is representing Mr. Alex Munro who is directly adjacent to the property. Mr. Bisette said that it was his understanding that Deerfield met with Mr. Munro and that his concerns were satisfied.

After rebuttal, Vice-Mayor Davis closed the public hearing at 9:15 p.m.

Even though Councilman Mumpower felt Deerfield is a facility for people with means, the facility is a non-profit and pays no fees for City services, e.g., police, fire, etc., which he thinks is unfair. He believed that should be changed at the state level.

However, he does believe the facility is an asset and in a growing City with limited space, Deerfield is trying to maximize the use of their property. He felt that 7 feet 8 inches is not an unreasonable accommodation and they have made an effort to accommodate the Ramble residents.

Councilman Mumpower said that based on the information provided to City Council at this hearing, he moved to adopt Ordinance No. 3587, granting a conditional use permit for the project identified as Deerfield Episcopal Retirement Community as proposed with the three modifications to landscaping and height standards and the conditions as follows: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with 90 degree cut-off fixtures and directed away from adjoining properties and streets; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (5) This project will undergo final review by the TRC prior to issuance of any required permits; and (6) A bus transit shelter must be installed along Hendersonville Road. This motion was seconded by Councilman Russell and carried unanimously.

ORDINANCE BOOK NO. 24 - PAGE

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 08-43- RESOLUTION OF CONSIDERATION IDENTIFYING AREAS WITH POTENTIAL FOR FUTURE ANNEXATION

Urban Planner Julia Cogburn said that this is the consideration of a Resolution of Consideration identifying areas with potential for future annexation.

State law provides that a Resolution of Consideration may be adopted by cities as a preliminary step in the annexation process. The Resolution of Consideration serves the purpose of providing citizens with advance notice that certain areas in proximity to the City may, within the reasonably near future, be subject to annexation. After being in effect for at least one (1) year, the Resolution of Consideration also has the benefit of reducing the time period required between adoption of any annexation ordinance and the effective date of that ordinance from a minimum of one (1) year to a minimum of seventy (70) days. Each Resolution of Consideration is effective for two (2) years. The initial City of Asheville Resolution of Consideration was adopted on April 9, 2002 and revised maps were adopted by Council on March 9, 2004 and March 7, 2006. It is now time to consider the next resolution.

Urban Planner Blake Esselstyn said that the map staff has prepared to accompany this resolution utilizes the same perimeter boundaries as were approved by Council in 2006, minus any areas that have been annexed by the City of Asheville or another jurisdiction since that time. In addition, a small region which has been "landlocked" by a Woodfin annexation and has therefore been made inaccessible for annexation by the City of Asheville has been removed from the area. In 2006, as well as today, these are areas with the potential for urbanization, such as the areas along major thoroughfares, areas within the City's extraterritorial jurisdiction, areas with existing infrastructure or areas where utility extensions are feasible and other areas with potential for urban development.

The map includes many areas that may not experience urban development in the near future, because the boundaries are drawn to be expansive enough so that any possible near term (1-5 years) annexation areas will be within the boundaries.

Pros:

- Gives residents and property owners within the area advance notice of possible annexation.
- Allows the time period between passage of an annexation ordinance and the effective annexation date to be shortened to a minimum of seventy (70) days.
- The City can (and will) conduct smaller, incremental annexations within the area.

Cons:

- The possibility of annexing some parts of the area may not be realized for a number of years.

Staff recommends that City Council a Resolution of Consideration identifying areas with potential for future annexation.

Councilwoman Cape felt that having this map available to the public will make it fair to people who are considering buying properties near Asheville to determine if they might be annexed in the future or not.

Ms. Bonnie Vess, Swannanoa resident, spoke against forced annexation.

Councilwoman Cape invited Ms. Vess to the City Council Planning and Economic Development Committee's March 12, 2008, meeting at which time they will be hearing from the people from Swannanoa who want to incorporate.

Ms. June Patterson, Arden resident, spoke against forced annexation, especially since they rarely come into Asheville and do not need Asheville's services.

Ms. Tammy Wood, Asheville small business owner and realtor, spoke against forced annexation and the problems associated with obtaining housing certificates when people build in the County and then are annexed. City Manager Jackson said that he would investigate Ms. Wood's concerns and follow-up with her.

Councilman Mumpower said that although there are arguments for forced annexation, he felt the negatives outweigh the positives. He felt annexation represents a substantial increase of expense for those being annexed.

Councilman Russell didn't like forced annexation and could see very limited times where he would support it. However, he felt this map is a planning tool and its adoption may raise some awareness and help Asheville grow in a much easier way.

Councilman Newman questioned whether the map actually realistically reflects the areas that Asheville is looking at closely for annexation over the next five years. City Manager Jackson said that this is 65 square miles beyond what anyone would expect in terms of annexation in the near future - 5-10 years. We looked into incrementally adjusting this, but suggested Council not try to fine-tune the map at this meeting. He said that there will be a process of review before staff brings it to Council again for future action. He pointed this is a planning tool and serves a purpose.

Vice-Mayor Davis said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Cape moved for the adoption of Resolution No. 08-43. This motion was seconded by Councilman Russell and carried on a 5-1 vote, with Councilman Mumpower voting "no."

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B. RESOLUTION NO. 08-44 - RESOLUTION SUPPORTING THE TERMS AND CONDITIONS OF THE LAND LEASE WITH PUBLIC INTEREST PROJECTS FOR THE PURPOSE OF CONSTRUCTING A PUBLIC PARKING GARAGE IN DOWNTOWN ASHEVILLE AT THE INTERSECTION OF BILTMORE AVENUE AND ASTON STREET

Director of Transportation and Engineering Cathy Ball said that this is the consideration of a resolution supporting the terms and conditions of the land lease with Public Interest Projects (PIP) for the purpose of constructing a public parking garage in Downtown Asheville at the intersection of Biltmore Avenue and Aston Street.

The Parking Study completed by Carl Walker Associates in 1998 determined the need for parking in the Biltmore Avenue area. With the development of the Ellington and the potential development of the lot at 51 Biltmore Avenue, 150 public parking spaces (under private control) could be lost. PIP currently owns the surface parking lot at 51 Biltmore Avenue. The City has been in discussions with PIP for several months to acquire a land lease in order to provide public parking in this area.

Ms. Ball said that (1) parking garages usually do not make money until the financing is paid; and (2) provide a benefit to the community (a) increased property values; (b) increase sales tax revenues; (c) growing or new businesses provide job opportunities; and (d) catalyst for economic development.

A brief history is that (1) 1998 Parking Study recommended a parking garage in this area; (2) 2005 Downtown Parking Action Plan recommended a parking garage in this area; (3) winter of 2007 staff began meeting with PIP and in November 2007 PIP made presentation to City Council; and (4) November 2007 Council agreed to move forward in good faith with PIP for this purpose.

A recent parking study prepared by Kimley-Horn and Associates indicates a peak demand for 618 parking spaces in this area and a normal demand of 472 parking spaces. Given the demand on the public parking currently at this location, staff feels this garage would be as successful as our other parking garages.

The proposed garage would be a 500 car parking garage. We have estimated the cost of a parking space to be \$25,000. The City of Asheville would own, operate and maintain the parking garage. The City would pay an annual land lease payment for approximately 25,000 square feet of land. The City's contribution to the project is public parking only. The lease would be a Triple Net lease which means the City will pay taxes, utilities and maintenance on the facility. The terms of the lease would be for 40 years with two automatic extensions of ten years.

Regarding need, (1) 2007 Parking Study shows a deficit of 618 spaces during the peak hour and 472 spaces during normal hours; (2) 50 public parking spaces (controlled by the private sector) will be eliminated when the Ellington is built; and (3) 100 public parking spaces (controlled by the private sector) will be eliminated when this lot is developed.

Assumptions for pro forma include (1) 25 year Certificate of Participation Bond to finance project; (2) 300 parking spaces non-taxable rate; (3) 200 parking spaces taxable rate; (4) construction cost of \$25,000 per space; (5) both hotel and PIP will pay additional costs associated with taxable rate; (6) 40 year land lease with two, 10 year renewal options for a total of 60 years; (7) 2% annual lease payment escalator and a 3% annual property value appreciation; and (8) sinking fund of \$500,000 for major capital costs.

She then reviewed the pro forma for revenues and expenses.

The terms of the land lease include (1) 200 of the 500 spaces will be funded with taxable bonds - 150 hotel + 50 PIP (each to pay additional costs associated with taxable bonding); (2) turn-key project for the City; (3) land lease for 40 years with 2, 10 year extensions with same terms; (4) approximately 25,000 square feet of land; (5) NNN Lease; (6) cross easements treated as even exchange between the hotel and parking garage; (7) city operates and maintains parking garage; (8) contract to contain performance standards for garage between land owner and hotel (a) binding arbitration - no recourse through court; and (b) city defaults on lease, PIP gets garage at amortized value.

The developer would construct the garage and hotel. The City would take ownership of the garage after the Certificate of Occupancy has been obtained.

If the City fails to meet the terms of the lease, the land owner would have the right to use binding arbitration as a means of compliance. If the City fails to comply with the binding arbitration, the land owner may take ownership of the deck by paying the City the amortized value of the garage, deferred maintenance and capital costs.

Considerations of adopting a resolution authorizing the City Manager to execute this contract are as follows:

Pros:

- According to the findings of the downtown parking study, this area has a deficit of public parking of 400 to 600 spaces.
- Project should allow the development of workforce housing more feasibly due to reduced capital requirements for constructing private parking which in turn supports lower priced housing units.
- Capitalize on relationship with mixed use developer who is willing to partner with the City and make private property available for public use.
- Offer the opportunity to leverage public parking as an economic development tool.
- Offers community benefits such as additional jobs and tax base for the City created by the mixed use elements. These economic benefits may not be available or may be delayed if the project cannot be feasibly developed without the public parking component in the near-term.
- Public parking helps sustain existing investments and future growth of retail and office uses in the area.
- Public parking is critical for downtown office job expansion.

Cons:

- Public-private partnerships tend to be more complicated and require additional coordination between the City and the private sector than traditional stand-alone projects.
- Specific performance guarantees must be made by the City to third parties. Corresponding grantees are required of the developer to the City regarding the quality and sustainability of the mixed use components.
- No due diligence has been conducted regarding the developer's financial background and track record specific to delivering this type and scale of mixed use project.

The staff recommendation is that Council direct the City Manager to pursue a parking garage at this location by (1) finalizing the land lease terms with PIP; and (2) begin negotiations with the hotel to determine performance standards and design/construction responsibilities.

Throughout discussion, Ms. Ball responded to various questions/comments from Council, some being, but are not limited to: is the City financing all 500 spaces; what is the price of the land lease; does the \$25,000 per parking space include the land lease; why is the City pursuing a land lease when PIP will be building above us; which City department will carry this project forward; what does the term "NNN Lease" mean; do we have any information on the height of the hotel; based on our financial projects, will the revenues from our parking enterprise fund be sufficient to cover those costs; and regarding the rate structure for the project, could you charge more at this facility and get a faster payback or under-charge to encourage people to come downtown.

Councilman Mumpower felt that this project has a lot of appealing features, e.g., partnership opportunities and parking needs, however, with our sinking economy, he feels it is a mistake to commit to this kind of project.

Vice-Mayor Davis felt this project is worth pursuing, noting that we still have a lot of due diligence to perform.

Vice-Mayor Davis said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Newman moved for the adoption of Resolution No. 08-44. This motion was seconded by Councilman Russell and carried on a 5-1 vote, with Councilman Mumpower voting "no."

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C. RESOLUTION NO. 08-45 - RESOLUTION ALLOCATING FUNDS FOR A HOUSING TRUST FUND LOAN TO FINANCE AFFORDABLE HOUSING DEVELOPMENT

Community Development Analyst Randy Stallings said that this is the consideration of a resolution allocating \$60,000 for a Housing Trust Fund loan to finance affordable housing development.

The following Housing Trust Fund application has been evaluated by the HTF review panel and recommended for approval by the Housing and Community Development Committee at its January 22 meeting. Currently \$411,403.00 is available in the Housing Trust Fund.

Borrowers: Tim and Wendy Vorst; 6 Friendly Hollow; \$60,000 HTF loan; 2 units for rent.

Terms: 2% Interest, 30 year term; Three (3) year affordability requirement.

Strengths: The developer has an excellent history with Housing Trust Fund projects, and has consistently provided timely completion of projects and a commitment to affordability. Cost per unit, location and efficient land use are also positive features. Builder will pursue Energy Star certification. Units will be marketed first thru the Homeward Bound agency. This will be the 9th HTF project developed by Mr. Vorst, the third this fiscal year.

Concerns: Rents are affordable to those below 80% of the Area Median Income, but not to those below the 60% level. Long-term affordability beyond the required three years cannot be guaranteed.

Pros:

- Assists with the development of two (2) units of affordable rental housing.
- Provides effective land use through infill development.

Cons:

- None

Staff recommends approval of the HTF loan listed above.

Councilwoman Jones felt this is a great example of a partnership with a private developer who has a good track record with the City. We need more affordable rentals in this community and this is a start on how we start obtaining them. She said that this is money we invest now and get back with interest and when the house is built, not only will it meet a community need, but it will start contributing to the City's tax base.

In response to Councilman Russell's concern about the terms of the loan, Councilman Newman said that the Housing & Community Development Committee has looked at the terms many times. He explained that this isn't a grant, just a low interest

low and it's for a pretty small percentage of the project. We would love to have the affordability locked in for longer than three years, but if you extend the affordability term out longer, some developers will not use it. He said they will continue to look at the right balance.

Councilman Mumpower felt the City should not use tax dollars to subsidize affordable housing. He felt these kind of initiatives will not begin to fix affordable housing in Asheville.

Vice-Mayor Davis said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Jones moved for the adoption of Resolution No. 08-45. This motion was seconded by Councilman Newman and carried on a 4-2 vote, with Councilman Mumpower and Councilman Russell voting "no."

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D. FISCAL YEAR 2008-09 BUDGET PREPARATION SCHEDULE AND A POSSIBLE NOVEMBER 2008 GENERAL OBLIGATION BOND REFERENDUM

At the request of Vice-Mayor Davis, due to Mayor Bellamy's interest and magnitude of this issue, Councilman Newman moved to withdraw this item for consideration on this agenda. This motion was seconded by Councilman Russell and carried unanimously.

Vice-Chair of the Greenway Commission Mark Hunt hoped Council would discuss this item soon as a lot of due diligence needs to be done prior to the November referendum, if Council decides to ask for a referendum.

At the suggestion of Councilwoman Jones, it was the consensus of Council to instruct staff to find a suitable worksession date between now and the March 18, 2008, to be solely dedicated to this item.

E. RESOLUTION NO. 08-46 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE GREENWAY COMMISSION

Vice-Mayor Davis, Chair of the Boards & Commissions Committee, said that the term of Scott Jackson, as a member of the Asheville Greenway Commission, expired on December 31, 2007.

On February 19, 2008, City Council instructed the City Clerk to arrange interviews for Jonah Butcher, Stephanie Pankiewicz, Ellen Bailey, Thomas E. Mesk, Marcie Bromberg and Tom Burnet.

After Council spoke highly of the candidates, Mr. Butcher received no votes, Ms. Pankiewicz received 1 vote, Ms. Bailey received no votes, Mr. Mesk received 1 vote, Ms. Bromberg received 3 votes and Mr. Burnet received no votes. Therefore, Marcie Bromberg was appointed to serve a three-year term, term to expire December 31, 2010, or until her successor has been appointed.

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VII. OTHER BUSINESS:

VIII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

City Manager Jackson was pleased to report that the City has worked out an acceptable arrangement, in partnership with the N.C. Dept. of Transportation (NCDOT), to proceed with a waterline on Sand Hill Road. He noted this is an example of collaboration with Buncombe County and the NCDOT. He said that staff will be coming back to Council with a budget amendment for this significant water capital improvement.

IX. ADJOURNMENT:

Vice-Mayor Davis adjourned the meeting at 10:25 p.m.

CITY CLERK

MAYOR