

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Jan B. Davis; 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; Assistant City Attorney Martha McGlohon; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

The Teens Against Tobacco Use Club from Asheville High School led City Council in the Pledge of Allegiance. The students introduced themselves and briefly spoke about the goals of their Club. Mayor Bellamy noted that City Council has asked our state legislators to prohibit smoking in parks.

INVOCATION

Councilman Newman gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY 11-18, 2008, AS “AMERICORPS WEEK”

Vice-Mayor Davis read the proclamation proclaiming May 11-18, 2008, as "Americorps Week" in the City of Asheville. He presented the proclamation to Ms. Terry Capps, Director of Project POWER/AmeriCorps, and Program Officer Alicia Hartsfield from the Governor's Office, who briefed City Council on some activities taking place during the week.

B. RECOGNITION OF THE CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY GRADUATES

Mayor Bellamy said that the City of Asheville Youth Leadership Academy (CAYLA) is committed to providing its students with (a) a meaningful summer work experience; (b) leadership development through seminars and community service; and (c) college preparatory activities, including yearlong academic support.

CAYLA is an integral part of the City's 'Grow Our Own' initiative, as envisioned by City of Asheville Mayor Terry Bellamy and the Asheville City Council. The City is committed to giving Asheville's young people the opportunity to stay and work in Asheville, as well as to have valuable work experiences that will advance their future careers wherever they go.

CAYLA recruits, trains and places local high school students at meaningful summer jobs with the City and with participating agencies, in addition to providing weekly day-long workshops on topics such as financial literacy, leadership, community service and college preparation. CAYLA engages students throughout the school year by offering career-focused enrichment activities and individualized academic support. In hopes of broadening students' horizons and aspirations, local professionals are invited to the high school to speak to the students about their careers (and specifically, how college and academics contributed to their achievements). In addition, regular service projects foster a sense of unity among the students and connect them to the larger community. The CAYLA students have become positive role models for their peers and, just as importantly, for the many children with whom they interact, including their younger siblings and neighbors. The CAYLA students have completed more than 425 hours of community service with agencies including MANNA FoodBank, RiverLink, Meals on Wheels, the Irene Wortham Center, ABCCM Women and Children's Shelter, and the Lee-Walker Heights Youthful HAND Daycare, among others.

The 20 students of the inaugural class were selected by a committee of local education and nonprofit leaders last spring. Having successfully completed the year-long program this May, each student will be awarded \$2,000 for a 529 College Savings Fund set up in their name.

She recognized the Class of 2007-08 Graduates: Keshawna Benjamin, Darius Drummond, Dwayne "DJay" Horton, Warren "Dub" Jamison, Tyrell Mauldin, Charmonica Sams, Anice Smith, Jill Smith, Sarah Smith, James Smith III, and Jeanisha Williams. She then recognized the graduating seniors: Zeke Buchanan, Chanel Fretwell, Tequeria "Tee" Harris, Tewonya Harris, Shalissa McDaniels, Isabel Perez, Charriat Robinson, John "Matt" Shaw, and Bryn Williams.

II. CONSENT AGENDA:

At the request of Councilman Mumpower, Consent Agenda Items "I," "J" and "K" were removed from the Consent Agenda for discussion and/or individual votes.

At the request of Mayor Bellamy, Consent Agenda Item "L" was removed from the Consent Agenda for discussion and/or individuals votes.

- A. APPROVAL OF THE MINUTES OF THE FORMAL MEETING HELD ON APRIL 22, 2008, AND THE JOINT MEETING WITH THE TOWN OF WEAVERVILLE HELD ON APRIL 29, 2008**
- B. RESOLUTION NO. 08-91 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO YEAR CONTRACT FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE WITH THE N.C. DEPT. OF CRIME CONTROL AND PUBLIC SAFETY**

Summary: The consideration of a resolution authorizing the City Manager to enter into a two (2) year contract for hazardous materials emergency response with the North Carolina Department of Crime Control and Public Safety.

This request is for Asheville Fire and Rescue to continue to provide hazardous materials emergency response for Western North Carolina, as we have done in the past fourteen (14) years. The State of North Carolina is divided into seven geographical regions for the purpose of hazardous materials emergency response. The North Carolina Department of Crime Control and Public Safety, Division of Emergency Management contracts with municipalities across North Carolina to respond into the seven geographical regions and provide technician level hazardous materials emergency response. Asheville Fire and Rescue's (RRT 6) area encompasses the twenty westernmost counties of North Carolina. The City of Asheville has been a regional hazardous materials provider since FY 1994-1995. The State of North Carolina provides funding that fully supports the ongoing operational costs of the program.

This action complies with the Strategic Operating Plan by allowing Asheville's Hazardous Materials Team the full use of highly specialized and technical equipment, this contract will significantly assist towards the goal of making Asheville a safest city, based on appropriate metrics for similarly sized cities.

Pros:

- The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team. In addition, the state funds extensive training for members of the Asheville Fire and Rescue Department to enable us to competently handle hazardous materials emergencies.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville. Without the state hazardous materials contract, Asheville taxpayers would need to provide much of the resources necessary to properly respond to emergencies within Asheville. With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- During the fourteen (14) years that we have provided regional hazardous materials response services, we have not experienced difficulties or disadvantages with the program.

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Con:

- None have been identified or known at this time.

There is no fiscal impact associated with this contract. The North Carolina Department of Crime Control and Public Safety, Division of Emergency Management will reimburse the City of Asheville for expenses incurred for each of the two (2) years of the contract period.

City staff recommends City Council authorize the City Manager to enter into an interlocal agreement with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management to provide regional hazardous materials emergency response for region 6.

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- C. RESOLUTION NO. 08-92- RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON-MATCHING GRANT FROM THE N.C. DEPT. OF CRIME CONTROL AND PUBLIC SAFETY FOR THE PROCUREMENT OF EQUIPMENT TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE**

Summary: The consideration of a resolution authorizing the City Manager to accept a non-matching grant in the amount of \$251,571.00 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management for the

procurement of equipment to be used by Hazardous Materials Regional Response Team 6 – Asheville, and the associated budget amendment.

The U.S. Department of Homeland Security and the Office of Domestic Preparedness has made funds available through the State Homeland Security Grant Number: FY2007-GE-T7-0048 to implement the State Homeland Security Strategy. The strategy identifies the NC Hazardous Materials Regional Response Teams (RRT) as an integral component of North Carolina's preparation and response to manmade and natural emergencies and disasters. The purpose of the grant is to purchase specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters

There are seven Regional Response Teams (RRT) strategically located throughout the state. Asheville Fire and Rescue hosts one of the seven state funded teams - RRT 6. The team responds to hazardous materials incidents in the twenty westernmost counties of North Carolina.

Each of the seven RRTs will receive an equal amount of non-matching funding and each will procure comparable equipment. The equipment consists of updated detection and monitoring instruments, personal protective equipment, self contained breathing apparatus and mitigation materials required to lessen the affects of terrorist's attacks and hazardous materials incidents.

The grant is non-matching and all equipment provided through this grant will become the property of the Asheville City Government.

This action complies with the Strategic Operating Plan by better equipping the Hazardous Materials Team with upgraded equipment, this grant will assist in making Asheville a safer city, based on appropriate metrics for similarly sized cities.

Pros:

- The Department of Crime Control and Public Safety, Division of Emergency Management, will provide \$251,571.00 in non-matching funds for the purpose of upgrading Asheville and Western North Carolina's terrorism response capabilities.
- The equipment is state of the art and will better address the risk of terrorist's attacks and hazardous materials incidents.
- All statewide regional response teams will be comparably equipped and interoperability will be realized should an event require the resources of additional teams.
- This equipment is immediately available to Asheville residents and businesses. This level of equipment would most likely not be able to be obtained through the city's general budget process.
- Firefighter and citizen safety will be enhanced.

Con:

- The City of Asheville will be responsible for maintenance and upkeep of the equipment.

There is no fiscal impact associated with this grant, as it is non-matching.

City staff recommends that City Council accept the non-matching grant from the Department of Crime Control and Public Safety, Division of Emergency Management to enhance AFR's capabilities to protect Asheville and Western North Carolina, and the associated budget amendment.

RESOLUTION BOOK NO. 31 – PAGE 156

D. ORDINANCE NO. 3615 - BUDGET AMENDMENT TO ACCEPT A NON-MATCHING GRANT FROM THE N.C. DEPT. OF CRIME CONTROL AND PUBLIC SAFETY FOR THE PROCUREMENT OF EQUIPMENT TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

Summary: See Consent Agenda "C" above.

ORDINANCE BOOK NO. 24 – PAGE

E. ORDINANCE NO. 3616 - BUDGET AMENDMENT AUTHORIZING REIMBURSEMENT OF FUNDS COLLECTED IN FISCAL YEAR 2007-08 DUE TO OUR CURRENT CONTRACT FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE WITH THE N.C. DEPT. OF CRIME CONTROL AND PUBLIC SAFETY

Summary: The consideration of a budget amendment, in the amount of \$79,980.74, authorizing reimbursement of funds collected in Fiscal Year 2007-08 due to our current contract for hazardous materials emergency response with the North Carolina Department of Crime Control and Public Safety.

Throughout Fiscal Year 2007-08, Asheville Fire and Rescue has received funds for reimbursement of expenses, primarily from the State of North Carolina for hazardous materials emergency response services. This request is to replenish the department's most appropriate line items in the amount of \$79,980.74 through a budget amendment.

This action complies with the Strategic Operating Plan by the hazardous materials services enable Asheville to work towards becoming a safest city. Also, the reimbursement allows costs for services to not solely be bore by city taxpayers, making Asheville more affordable.

Pro:

- Costs that are incurred in serving as a hazardous materials team are reimbursed to city government, lessening the financial burden on city taxpayers.

Con:

- None have been identified or known at this time.

The fiscal impact is the acceptance of this budget amendment will relieve the Asheville general fund of \$79,980.74 of expense.

City staff recommends City Council approve the above referenced budget amendment in the amount of \$79,980.74.

ORDINANCE BOOK NO. 24 – PAGE

F. ORDINANCE NO. 3617 - BUDGET AMENDMENT FOR THE CIVIC CENTER WHICH WILL BE SUPPORTED WITH AN EQUAL AMOUNT OF ADDITIONAL REVENUE

Summary: The consideration of a budget amendment, in the amount of \$125,000, to increase the Civic Center Fund to reflect updated Fiscal Year 2007-08 revenue and expenditure projections.

Due to many successful events, higher than expected concessions revenues and a chiller lease that was extended by eight months, Civic Center Fund revenues and expenditures are expected to exceed budget by the end of Fiscal Year 2007-08. As a result, staff has calculated an updated estimate of the expected revenues and expenses in the Civic Center Fund. In order to fund anticipated expenses over the last quarter of the current fiscal year, staff is recommending that the Civic Center Fund expenditure budget be increased by \$125,000. The additional revenue generated by concessions will cover the cost of the budget amendment; therefore, no additional transfer from the General Fund is required. Staff is estimating that the year-end operating deficit for the Civic Center will be slightly less than the budgeted deficit. This amendment has been presented to the Civic Center Commission and was positively received by all in attendance.

Pros:

- Provides sufficient budget authorization for anticipated expenditures in the Civic Center Fund without increasing the General Fund subsidy
- Allows for continued maintenance of Civic Center chiller

Con:

- None

This action supports the City Council Strategic Plan by supporting the Civic Center as a regional entertainment destination and improving the Civic Center customer experience.

Regarding the fiscal impact, year-end operating deficit for the Civic Center is projected to be less than budgeted.

Civic Center staff and Commission recommend City Council approve a budget amendment to increase the Civic Center Fund budget by \$125,000 to reflect updated Fiscal Year 2007-08 revenue and expenditure projections.

Vice-Mayor Davis said that this will allow the maintenance of the Civic Center chiller.

ORDINANCE BOOK NO. 24 – PAGE

G. RESOLUTION NO. 08-93 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A UTILITY AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR WATER LINE IMPROVEMENTS ON NC 191 (BREVARD

ROAD)

Summary: The consideration of a resolution authoring the Mayor to execute a Utility Agreement with the N.C. Dept. of Transportation (NCDOT) for water line improvements on NC 191 (Brevard Road).

The NCDOT is widening NC 191 Brevard Road from I-40 to I-26. This road project includes replacing the current 6 inch cast iron water line along Brevard Road with a new 24 inch ductile iron line. This project will also include boring and installing a 24 inch line under both interstates to connect the new line on both sides of the interstates. This cost is not including in this project and will be billed separately.

The current water line on this section of Brevard Road is a problematic 6 inch cast iron line that does not provide adequate fire flow and protection to area businesses and residential customers. This project will enhance customer service by eliminating costly line breaks which cause water outages to area customers on the current line and provide increased fire protection on this section of Brevard Road. NCDOT estimated cost is \$3,441,162.00. This is only an estimate from NCDOT and the actual cost could be lower or higher when the project is bid. The interstate boring project is estimated at \$1,400,000.00. Funds for this project will be allocated through FY 2008/2009 water capital funding.

Regarding the Strategic Operating Plan, this action complies with infrastructure improvements.

Pro:

- This project will eliminate a problematic 6 inch water line and will enhance customer service, water service reliability and fire flow to commercial and residential customers.

Con:

- Funding for this project will be allocated through the water capital projects in Fiscal Year 2008/09 capital funding.

Funds will be allocated in Fiscal Year 2008/2009 for entire project which is estimated at \$4.81 million

Staff recommends approval for the Mayor to execute the Utility Agreement with NCDOT for the Project: U-3601, WBS Element: 34958.2.2

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H. RESOLUTION NO. 08-94 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A TRAFFIC AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR INSTALLING EMERGENCY VEHICLE INITIATED PRE-EMPTION EQUIPMENT AT THE SIGNALIZED INTERSECTIONS OF CHARLOTTE STREET/COLLEGE STREET/SOUTH CHARLOTTE STREET AND COLLEGE STREET

Summary: The consideration of a resolution authorizing the Mayor to sign a traffic agreement with the N.C. Dept. of Transportation (NCDOT) for installing emergency vehicle initiated pre-emption equipment at the signalized intersection of US 70/74-A/SR 3284 (Charlotte Street/College Street/South Charlotte Street) and US 70/74-A (College Street).

Asheville Fire and Rescue would like to begin installing emergency vehicle initiated pre-emption equipment at various signalized intersections including state-maintained intersections throughout the City in an effort to expedite responses to emergency situations. This first project represents a pilot project for the City and when the equipment is installed, it should help make up for the time currently lost when fire trucks travel through the round-about under emergency situations. At this time, we anticipate undertaking an annual program to add the subject equipment at a rate of one to two signalized intersections per year. If we are successful in securing a grant, we might be able to speed the process up from time to time. This equipment will be a tremendous asset to Asheville Fire and Rescue in helping them maintain their current high accreditation rating.

The City of Asheville is responsible for all costs associated with the subject equipment including design, material cost, installation (*labor and equipment*), NCDOT's plan review and inspection costs, and annual maintenance. The total estimated cost for the project is \$30,000 and a Capital Improvement Program project in the amount of \$30,000 was set up during Fiscal Year 2007-08. It is anticipated that the annual maintenance cost would be about \$100, which will come from the Transportation Operations operating budget (1603).

Pro:

- Expedite responses to emergency situations.

Cons:

- There is an installation cost of \$30,000 and an annual maintenance cost of about \$100.
- Asheville Fire and Rescue is the only department authorized to activate the subject equipment.

The estimated total cost to the City for this project is \$30,000. A Capital Improvement Program project was set up for the subject project in the amount of \$30,000 during Fiscal Year 2007-08. In addition, the anticipated annual maintenance cost is about \$100.

Staff recommends that City Council approve a resolution authorizing the Mayor to sign a traffic agreement with NCDOT for installing emergency vehicle initiated pre-emption equipment at the signalized intersection of US 70/74-A/SR 3284 (Charlotte Street/College Street/South Charlotte Street) and US 70/74-A (College Street).

In response to Mayor Bellamy, Fire Chief Grayson spoke about the tremendous asset this equipment will be to the Asheville Fire and Rescue Department.

RESOLUTION BOOK NO. 31 – PAGE 158

I. BUDGET AMENDMENT FROM THE N.C. DEPT. OF TRANSPORTATION IN THE BICYCLE TRANSPORTATION IMPROVEMENT PROGRAM REGARDING THE REED CREEK GREENWAY PHASE II TRAIL CONSTRUCTION COSTS

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

J. RESOLUTION SUPPORTING THE METROPOLITAN SEWERAGE DISTRICT'S PROGRAMS TO ENCOURAGE DEVELOPMENT OF AFFORDABLE HOUSING

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

K. RESOLUTION SUPPORTING BUNCOMBE COUNTY'S REQUEST TO THE STATE BOARD OF TRANSPORTATION TO DEDICATE THE STATE MAINTAINED BRIDGE OR INTERCHANGE CROSSING US 25 AT EXIT 50 ON I-40 THE "WINSTON PULLIAM BRIDGE OR INTERCHANGE"

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

L. RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL FROM MAY 30 – JUNE 1, 2008

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER 5 EVENTS

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CITY OF ASHEVILLE OPEN TENNIS CHAMPIONSHIPS ON JULY 17 AND 18, 2008

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

Mayor Bellamy 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.

Councilwoman Cape moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Davis and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

I. ORDINANCE NO. 3618 - BUDGET AMENDMENT FROM THE N.C. DEPT. OF TRANSPORTATION IN THE BICYCLE TRANSPORTATION IMPROVEMENT PROGRAM REGARDING THE REED CREEK GREENWAY PHASE II TRAIL CONSTRUCTION COSTS

Summary: The consideration to authorize the City Manager to amend the budget of Phase II of Reed Creek Greenway,

reflecting the receipt of a fully executed grant agreement from the N.C. Dept. of Transportation (NCDOT) for reimbursement of trail construction costs up to \$400,000.

The NCDOT in the Division of Bicycle and Pedestrian Transportation has awarded the City of Asheville an allocation up to \$400,000 for construction of the Reed Creek Greenway as part of the NCDOT Transportation Improvement Plan. The funds will be combined with the \$36,500 budgeted in the City's Fiscal Year 2007/08 capital improvement budget for Reed Creek Greenway Phase II, and used to construct the greenway along Broadway between Cauble and Magnolia Streets. This section of the greenway will be approximately 1,600 linear feet, 10-foot wide and paved with asphalt.

Phase I of the greenway between Catawba and Cauble Streets is complete, and Phase II is expected to begin in 2008 once the final easement and land acquisitions for this phase are complete. Once complete, Reed Creek Greenway will connect the Glenn's Creek Greenway adjacent to the UNC Asheville campus to downtown Asheville.

The City of Asheville has received the fully executed agreement from the NCDOT and the funds will be reimbursed when the construction is complete.

This action complies with the Strategic Operating Plan in that the Reed Creek Greenway construction ties in with the Strategic Operating Plan by addressing the Growth, Development & Land Use Priority area; supporting multi-modal programs.

Pros:

- Leverages the City's existing capital funds allocated for construction of Reed Creek
- Keeps the project timeline of Reed Creek Greenway on track to complete construction in a timely manner

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Con:

- None

The budget amendment will increase the Capital Improvement Budget by \$400,000.

City staff recommends City Council approve a budget amendment in the amount of \$400,000 to increase the budget for Reed Creek Greenway Phase II as a result of a grant from the NCDOT.

Councilman Mumpower could not support this action because until the State fixes our court system, he felt to invest money in bicycle transportation is a misinvestment of funds.

Councilman Newman moved for the adoption of Ordinance No. 3618. This motion was seconded by Councilwoman Jones and carried on a 6-1 vote, with Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 24 – PAGE

J. RESOLUTION NO. 08-95 - RESOLUTION SUPPORTING THE METROPOLITAN SEWERAGE DISTRICT'S PROGRAMS TO ENCOURAGE DEVELOPMENT OF AFFORDABLE HOUSING

Summary: The consideration of a resolution supporting the Metropolitan Sewerage District's programs to encourage affordable housing development.

The Metropolitan Sewerage District (MSD) currently has two programs in place that encourage the development of affordable housing: (1) A rebate of up to \$1,100 per unit in the facility fee for new affordable housing developments; and (2) A cost recovery program through which MSD contributes a portion of the cost of extending the public sewer to the property on which the housing is located.

At present the cost recovery program applies to all developments with an offsite sewer extension, but the MSD Board is considering changing this policy to one benefiting only affordable housing. To comply with state law, it is necessary for MSD to demonstrate a compelling governmental interest in allowing cost recovery for affordable housing. The attached draft resolution evidences the City of Asheville's interest. The other member agencies are being asked for similar resolutions. In the absence of such support, it appears likely that MSD will terminate its cost recovery program altogether.

The MSD programs have provided valuable assistance to affordable housing in and near Asheville. For example the MSD fee rebate for the Griffin Apartments was \$15,000. Cost recovery for Crowell Park Apartments will be \$40,000 if the program is continued. The tight margins within which affordable housing developers work make these amounts very significant.

Pros:

- Helps MSD continue valuable incentives for the development of affordable housing
- Supports City strategic plan objectives in areas of affordability and sustainability.

Con:

- None

City staff recommends City Council adopt a resolution supporting the MSD's programs to encourage affordable housing development.

Councilman Mumpower had nothing against affordable housing, but he against creating a special interest system within MSD and Asheville's support of it. He felt there are opportunities for abuse in this effort and there better ways for us to support affordable housing.

Mayor Bellamy, member of the MSD Board, said that this is a re-affirmation of an existing MSD policy. She noted that MSD is very transparent in tracking their dollars.

Councilwoman Jones moved for the adoption of Resolution No. 08-95. This motion was seconded by Councilwoman Cape and carried on a 6-1 vote, with Councilman Mumpower voting "no."

RESOLUTION BOOK NO. 31 – PAGE 159

K. RESOLUTION NO. 08-96 - RESOLUTION SUPPORTING BUNCOMBE COUNTY'S REQUEST TO THE STATE BOARD OF TRANSPORTATION TO DEDICATE THE STATE MAINTAINED BRIDGE OR INTERCHANGE CROSSING US 25 AT EXIT 50 ON I-40 THE "WINSTON PULLIAM BRIDGE OR INTERCHANGE"

Mayor Bellamy read the resolution as follows: "Winston Pulliam is a community leader, philanthropist and someone who deserves to be recognized as a 'Man To Match Our Mountains.' Winston Pulliam has served on numerous boards and agencies throughout his career and has always been a visionary leader. As part of his vision to help veterans, Winston Pulliam and Pulliam Properties has helped develop the largest homeless veteran's housing and veteran employment training service center in the State here in Buncombe County. Asheville Buncombe Community Christian Ministries and its 2500 active volunteers have requested that Exit 50 Interchange or Bridge on I-40 be named in Mr. Pulliam's honor. The Asheville City Council finds it would be fitting and proper to honor Mr. Winston Pulliam. City Council hereby supports Buncombe County's request that the Board of Transportation for the State of North Carolina designate the Interchange or bridge located at Exit 50 on I-40 over US 25 as the Winston Pulliam Bridge or Interchange. That upon said designation that the State Dept. of Transportation calls to have erected appropriate signage to make the general public aware of said dedication."

Councilman Mumpower felt that Mr. Pulliam has contributed a lot to the community, however, there are other people who lend a strong hand in this community and he was not comfortable in supporting this action.

Councilwoman Jones moved for the adoption of Resolution No. 08-96. This motion was seconded by Vice-Mayor Davis and carried on a 6-1 vote, with Councilman Mumpower voting "no."

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L. RESOLUTION NO. 08-97 – RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL FROM MAY 30 – JUNE 1, 2008

RESOLUTION NO. 08-97 – RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER 5 EVENTS

RESOLUTION NO. 08-97 – RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CITY OF ASHEVILLE OPEN TENNIS CHAMPIONSHIPS ON JULY 17 AND 18, 2008

Summary: The consideration of resolutions authorizing the City Manager to make provisions for the possession and consumption of malt beverages and/or unfortified wine at the following events: Mountain Sports Festival, Downtown After 5, City of Asheville Open Tennis Championships.

The organizations responsible for the Mountain Sports Festival, Downtown After 5 and the City of Asheville Open Tennis Championships have requested through the Asheville Parks, Recreation & Cultural Arts Department that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at these events.

- The Mountain Sports Festival will be held on Friday, May 30, 2008, Saturday, May 31, 2008 and Sunday, June 1, 2008 from 4:00 PM – 6:30 PM within the boundaries of Carrier Park.
- Downtown After 5 will be held on the Fridays of May 16, June 20, July 18, August 15 and September 19, 2008 from 5:00 PM – 9:30 PM on the 100 block of Lexington Avenue.
- The City of Asheville Open Tennis Championships will be held on Thursday, July 17, 2008 and Friday, July 18, 2008 from 4:00 PM – 11:00 PM within the boundaries of the Aston Park Tennis Complex.

Pro:

- Allows fundraising opportunities

Con:

- Potential for public safety issues

This action aligns with the City Council Strategic Operating Plan in the Sense of Place, Heritage and the Arts: Enhance Asheville's vibrancy, character and cultural art.

The fiscal impact would be the overtime pay for Asheville Police Department officers.

City staff recommends City Council adopt the resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Mountain Sports Festival, Downtown After 5 and the City of Asheville Open Tennis Championships.

Councilman Newman moved for the adoption of Resolution Nos. 08-97, 08-98 and 08-99. This motion was seconded by Councilwoman Cape and carried on a 6-1 vote, with Mayor Bellamy voting "no."

RESOLUTION NO. 08-97 – RESOLUTION BOOK NO. 31 – PAGE 162
RESOLUTION NO. 08-98 – RESOLUTION BOOK NO. 31 – PAGE 165
RESOLUTION NO. 08-99 – RESOLUTION BOOK NO. 31 – PAGE 168

III. PRESENTATIONS & REPORTS:

A. DOWNTOWN MASTER PLAN UPDATE

At Mayor Bellamy's request, Mr. Pat Whalen, Chairman of the Downtown Commission, updated City Council on the kick-off meeting for the Downtown Master Plan that was held on May 8, 2008, that had an estimated community turnout of 350 people. Among the things people liked about downtown was its funky, eclectic energy, downtown residences, downtown walkability and historic texture, downtown views of the mountains, its central location and accessibility, and the energy efficiency of living and working downtown. Among the things people said needed improvement were more affordable workforce housing, more parking, more parks, more cleanliness, protection for small local businesses, more art and opportunities for artists, and more green buildings. There was one additional challenge mentioned several times. That question was whether we have the local leadership to do an effective master plan and to follow through with specific implementation of the plan. On one hand this may be viewed as an unfair criticism of City Council, given the fact that this Council has shown the leadership and vision to initiate this process. But on the other hand, the concerns about leadership probably represent a fair statement of the community's sense of frustration about flaws in past public processes, with plans and reports gathering dust in the basement of City Hall. The question raised was whether City Council will stand behind the results of this process and take the action necessary to achieve its vision. The community needs Council's assurance that this time the public process will determine the outcome and this time no group will be allowed to sit out all the work, bypassing the process, and then come before Council at the 11th hour to demand the abandonment of all the substantial parts of the work generated by the public input, debate, compromise and commitment. He could think of no better way to support the process than for each Council member to be actively present walking from table to table hearing the citizens at work and assuring them of your support for fair and open processes. On behalf of the Downtown Commission, the Advisory Committee and the people participating in the process, he asked for Council's continued support and their commitment and for their personal participation in this process.

Vice-Mayor Davis felt that the next most important event coming up is May 30 and 31, and he hoped Council will set aside

time to be there.

Councilman Mumpower felt this is a flawed process and we have been through it many times before - we get people to the table with some assurance that if they invest their energy into it, it will be turned into action, which is not the case. He can't promise in the final hour that he will support what is presented.

Mayor Bellamy noted that an item regarding the status of plans and reports adopted by City Council since 2005, will be on the May 20, 2008, worksession. To say our processes have been flawed is not fair.

Councilwoman Cape felt there was a good cross section of people at the kick-off meeting and there are several ways people can give their input. Just from the first meeting she learned a lot, and she is excited about the project moving forward. She encouraged people to give their input as this is something we are doing with one another.

Mayor Bellamy felt that it was important to be updated on this process as this is one of the largest master plan investments Council has made in a long time. Again, at the next worksession, Council will have the opportunity to talk about the status of the plans and reports already adopted. Council needs to make a commitment that the plans not sit on the shelf.

B. QUARTERLY MANAGEMENT REPORT

Financial Report

Budget Director Tony McDowell briefly explained the following financial statements reflecting the City's overall financial position for the fiscal year through March 2008.

Amendments. Since the 2nd quarter budget report was presented to City Council, the General Fund budget has been amended five times, resulting in an overall increase in the budget of \$149,828. A summary of the budget amendments is included below.

12/31/2007 Budget*	\$91,422,438
<u>Amendment</u>	<u>Amount</u>
Nature Center State Grant	112,879
Progress Energy Land Acquisition Expenses (Fund Balance)	15,000
State Homelessness Grant	10,000
Insurance Claims	<u>450,000</u>
Biltmore Park Street Light Removal	<u>11,949</u>
Total Amendments	599,828
3/31/2008 Budget	<u>\$92,022,266</u>

The amendment for the Progress Energy land acquisition expenses was the only amendment that was funded with an appropriation from the City's General Fund Fund Balance.

Revenues. Through March 31, 2008, the City has collected \$71,329,759 in General Fund revenue, which represents approximately 83% of the total General Fund revenue budget. At this point in the prior fiscal year, the City had collected approximately 85% of the revenue budget. Most of the property tax revenue, the General Fund's largest revenue source, was collected in January and February, and property tax revenue estimates appear to be on target. Sales tax collections continue to slow, and staff is now projecting that sales tax revenue will come in under budget by \$300,000. Based on prior year trends and year-to-date figures, staff is estimating that Fiscal Year 2007-08 revenue will exceed budget by \$424,000.

In summary, (1) Property taxes: (a) 95% of budget collected; and (b) estimate: exceed budget by \$50,000; (2) Sales taxes (a) 7 months collected to date; (b) growth rate is 1.9%; and (c) estimate: under budget by \$300,000; (3) Intergovernmental/Charges/Licenses and Permits (a) estimate: exceed budget by 2.3% or \$550,000. Overall, revenues will exceed budget by a net of 0.05% or \$424,000.

Expenditures. General Fund expenditures through March 31, 2008 total \$67,776,351 or 74% of the budget, which is slightly ahead of where expenditures typically are at this point in the fiscal year. However, based on current trends, staff anticipates that Fiscal Year 2007-08 year-end expenditures will come in under budget by \$515,000. The budget savings reflect attrition and other cost savings that typically occur throughout the year.

In summary: (1) departments are absorbing inflationary increases within their existing budgets - health care, materials and fuel; and (2) projected budget savings: 0.6% of budget or \$515,000.

Fund Balance. The year-end fund balance estimate is adjusted to reflect the fact that approximately \$1.0 million, which was held in reserve on June 30, 2007, due to the delayed Transit grant draw downs, will be released into the unreserved fund balance this fiscal year. Year-end fund balance is estimated to be \$17.44 million or 19.1% of expenditures.

Mr. McDowell briefly reviewed the following enterprise funds: Water Fund, Civic Center Fund, Parking Fund, Transit Fund, Stormwater Fund, Golf Fund and Festivals Fund.

Throughout discussion, Mr. McDowell and Chief Financial Officer Ben Durant responded to various questions/comments from Council, some being, but are not limited to: what was our Fund Balance two years ago; are the budget amendments coming out of Fund Balance; summary of current year budgeted uses of Fund Balance; what land sale proceeds will be used for Overlook Park; what was the main cause for the revenue from the intergovernmental/ charges/licenses and permits;

In response to Mayor Bellamy, Mr. Durant said that we budgeted \$6.3 Million in Fund Balance to draw down, but we will draw down only \$5.4 Million from Fund Balance.

Mayor Bellamy noted that some of the things Council used Fund Balance for, at least in part included: (a) demolition on Tunnel Road of a health and safety hazard to adjacent property owners which we now have a lien on the property; (b) we are addressing the homeless issue; (c) we are working on viable economic development incentives to provide jobs that have a more than livable wage for our community; (d) we have invested money for hybrid buses for a clean environment; and (e) regarding annexation, we have to provide services to those areas. There are legitimate reasons why we drew money from Fund Balance. The bottom line is these things needed to be done.

In response to Councilman Mumpower, Mr. Durant explained that Fund Balance is there to be used essentially for three purposes: (1) emergencies; (2) for unanticipated needs; and (3) for one-time infrastructure or major projects. We have used our Fund Balance appropriately.

Councilman Mumpower said we used our Fund Balance to (1) support non-profit organizations; (2) co-sponsor a large number of events; (3) fund with significant dollars, a planning document; (4) maintain the Nature Center; and (5) fund untold other special interests over the course of this year. Regarding the I-26 Connector Project, we invested significant dollars and more importantly precious time on a project which he understands will be great, but will cost twice as much as the other options. He felt that every dollar spent stops us from spending it on basic core services.

Mayor Bellamy asked for staff to provide an analysis of how much has been spent in public safety over the past three years. She felt the community will be pleasantly surprised.

Strategic Operating Plan

Assistant City Manager Jeff Richardson said that the Asheville City Council identified short and long term goals at the January 2007 strategic planning retreat. He then provided the brief third quarterly update on the following key strategic initiatives associated with the eight priority areas reflected in the City's Strategic Plan.

- A. Community Building
Measurement/Milestone:
 - Housing Code Presentations since January 2007: 19 meetings, 592 attendees, 22 hours of training time
 - Cable Channel programming
 - Spring Citizens Academy: 28 citizens, 10 week session

- B. Critical Services & Infrastructure
Measurement/Milestone:
 - 2.97 miles of sidewalk installment in Fiscal Year 2007-08
 - Weed & Seed Program results
 - Upgrade and re-opening of Bee Tree Water Operations Facility
 - Civic Center Garage restoration underway - Replacement of garage equipment in three garages (bids received)
 - College and Charlotte Streets have been approved through the N.C. Dept. of Transportation and cleared for City Council approval.

- C. Economic Development
Measurement/Milestone:
- City's exploration of development services re-design to include consideration of one-stop shop development review.
- D. Growth, Development & Land Use
Measurement/Milestone:
- Public input meetings underway
 - Completed the Downtown Parking Study
 - Staff analysis underway. Final recommendation provided at end of 4th quarter
- E. Housing Opportunities
Measurement/Milestone:
- \$10k Technical Assistance Grant awarded to research the homeless service system, work to be completed in June
 - SOAR demonstration project, a partnership with Buncombe County, Western Highlands and Mission Hospital to start in July
 - Homeless Information Management System to be used by homeless service agencies receiving Community Development Block Grant funding to track critical data on homeless population
- F. Natural & Built Environment
Measurement/Milestone:
- Six staff added in the stormwater and erosion control permit review process, allowing more timely review of project development. \$72,000 fines in Fiscal Year 2007-08
 - Completed two watershed engineering analyses
- G. Sense of Place, Heritage & the Arts
Measurement/Milestone:
- Completed and presented to City Council the Bike Plan
 - Greenway Master Plan to be completed by June
- I. Intergovernmental Relations
Measurement/Milestone:
- Water service to Oaks subdivision
 - City Council providing air time and exposure for MSD's public information efforts.

In addition, staff provided the following additional information:

A. Economic Development Key Indicator Report

The following charts: (1) employment change by major industry; (2) unemployment rates; (3) monthly home sales – units; (4) monthly home sales – average price; (5) residential building permits – units; (6) residential building permit – value; (7) number of new commercial permits; (8) number of new commercial permit values; (9) City business licenses; and (10) source of net population growth – special focus.

B. Police Department Drug & Community Policing Quarterly Report

The third quarter results addressing the Seven-Point Plan reveal positive results particularly in the area of community policing and outreach.

In response to Councilman Mumpower, Police Chief Hogan explained the efforts of the Asheville Police Department in meeting the mandate to eliminate the open air drug market. He also explained the feedback received from the Housing Authority.

Councilman Mumpower encouraged people to speak up if drug activity is going on in their neighborhood. He did not want to stop putting pressure on drug dealers until we shut down the open air drug market. The Police Department cannot do it without people getting involved and caring. He urged the community to contact our state legislators and urge them to fund the court system properly for timely and fair justice.

Mayor Bellamy said she has been talking to the residents and there is a positive change. She said the Police Department is making a difference. In the neighborhoods where the most success occurs are those with citizen volunteers who are meeting

and talking with the Police officers and developing relationships. Police officers are willing to come to neighborhood meetings and provide information and organize walk-throughs. She urged people to contact the Police Department to organize a neighborhood watch program.

C. BUDGET PRESENTATION AND MOTION SETTING A PUBLIC HEARING ON JUNE 10, 2008

Regarding the 2008-09 budget overview, Chief Financial Officer Ben Durant reviewed the budget preview follow-up of Council information requests: (1) more detail on County landfill fee increase; (2) explain the rationale behind the Criminal Justice Information System (CJIS) payment and cost sharing and calculate the cost per City resident; (3) how much of the City's tax base is exempt and how does this compare to Raleigh and other local cities; and (4) prepare a list of items the City pays to itself, including water and stormwater fees.

Budget themes include slowing revenue growth, significant inflation in key areas, "belt-tightening," revenue adjustments, alternative capital financing, continuation of market based pay program and preservation of fund balance.

Using charts, Mr. Durant showed the slow revenue growth of the annual tax base and the recent sales tax trends. The Consumer Price Index (CPI) is 4.4%. From the Wall Street Journal on April 25, 2008, it read "Local government costs have been growing more quickly than in other parts of the economy because municipalities spend disproportionately on fast-rising items such as building materials, fuel, and health insurance. From the fourth quarter of 2006 to the fourth quarter of last year, prices for state and local expenditures rose 6.1% ... according to the Bureau of Economic Analysis."

Rising costs include: health insurance contribution - \$1.5 Million; full-year funding for new positions - \$800,000; increased transit subsidy \$290,000 (includes continuation of \$248,000 subsidy from Parking Fund); fuel costs rising faster than CPI - \$328,000 (12.0%); landfill tip fees - \$237,000; 911 dispatch contract - \$119,000; CJIS contract increase - \$165,000; and construction costs exceeding CPI - \$63,000 (19.8%).

Belt-tightening includes (1) re-engineer to eliminate 10 positions - \$480,000; (2) reduce training and travel - \$250,000; (3) reduce professional services/small capital/materials - \$596,000; and (4) eliminate Manager's contingency - \$100,000. The bottom line is even with significant inflation, operating costs in the general fund show a 0.6% decrease.

In reviewing the outside agencies, the 2007-08 budget was \$225,095 and the 2008-09 proposed budget is \$151,000.

Revenue adjustments include (1) no property tax rate increase; and (2) revenue enhancements of (a) Council-approved fee adjustments - \$281,833; and (b) increase cost recovery for fire inspections - \$230,000.

Regarding capital improvements/debt, the capital financial strategies include (a) less pay-as-you-go-capital funding; (b) greater use of financing for vehicles; and (c) land sale revenue will fund major land purchases.

Major Capital Improvement funded projects include: fire aerial ladder - \$1,100,000; street and sidewalk maintenance - \$952,300; Overlook Park land purchase (to fund with land sale proceeds or fund balance) - \$900,000; Civic Center improvements - \$400,000; Reed Creek Greenway Phase II - \$345,500; Public Safety radios - \$335,000; Haw Creek land purchase (to fund with land sale proceeds or fund balance) - \$250,000; and building security - \$200,000.

Regarding the market-based pay program Phase III, (A) new to the plan: 101 position titles totaling 139 new employees; and (B) continuing adjustments from Phase I and II: 80 positions titles totaling 244 employees.

Mr. Durant then reviewed the General Fund revenue and expenditure summaries, along with graphs regarding the preservation of fund balance and the historical sales tax growth long-term outlook.

The upcoming schedule includes: May 20 worksession - Council priorities and enterprise funds; May 27 formal meeting - continuation of Council priorities (if needed); June 10 formal meeting - public hearing; June 17 worksession - continuation of Council priorities (if needed); and June 24 formal meeting - budget adoption.

When Mr. Durant questioned if Council requires further information on the proposed General Fund budget or if Council requires further discussion on its budget priorities at future worksessions, it was the consensus of Council that the proposed schedule is acceptable.

After responding to various questions/comments from Council, Mr. Durant said that he would provide detailed information on the major funded projects at the May 20 worksession, along with alternatives for the solid waste program. Some questions/comments Council raised included, but were not limited to: confirmation that the land sale proceeds of the current RFP

process will not be used for Overlook Park;

Councilman Newman said that in light of the general budget environment, he felt Council could reach their goals through other kinds of public policy initiatives and other concerted efforts.

Mayor Bellamy thanked City Manager Jackson for his leadership. She noted that areas she used to receive complaint letters about have significantly improved and currently she receives appreciative letters for the Public Works Department staff. She stressed that our staff can do good work, but Council needs to give them the necessary tools. We may not be able to fund any new initiatives, but we can work on grants and partnerships.

Councilwoman Cape was pleased to see the several ideas put forth by the Public Works Department to manage waste and possibly reduce the cost of the City's tipping fees at the landfill. She offered, and it was the consensus of Council to accept that offer, to contact the Waste Reduction Partners at the Land-of-Sky to see if they would be interested in helping the City look at this issue in a comprehensive manner to evaluate if any changes could be made that would address the waste stream.

Councilman Mumpower moved to schedule the budget public hearing on June 10, 2008. This motion was seconded by Councilwoman Cape and carried unanimously.

At 7:01 p.m., Mayor Bellamy announced a short break.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR DIGITAL BILLBOARDS

ORDINANCE NO. 3619 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR DIGITAL BILLBOARDS

Mayor Bellamy opened the public hearing at 7:25 p.m.

Interim Planning & Development Director Shannon Tuch said that this is the consideration of amendments to the Unified Development Ordinance (UDO) to add new definitions and standards found in Articles II (definitions) and XIII (signs) restricting and regulating digital billboards. This public hearing was advertised on May 2 and 9, 2008.

In 2006/2007, representatives from Lamar Outdoor Advertising, Inc. approached the City of Asheville's staff and officials with interest in pursuing standards that would accommodate new digital advertising technology that could be utilized with their off-premise billboards. This new LED technology would allow a single sign structure to show separate static images (advertisements) that would change at regular intervals over a fixed period of time. Digital images would replace the former paper/vinyl images and would be controlled and managed electronically from remote locations. This method of advertising would allow for a more sustainable product but would also provide more efficient and lucrative advertising opportunities for Lamar. The efficiency of being able to place multiple advertisers on one sign would reduce the need and value of less visible signs scattered throughout the City; as a result, Lamar has proposed a reduction in total sign structures and the cumulative square footage of their sign faces. The following is their proposal:

- Remove 107 separate sign faces (multiple faces on a single structure; faces vary in size) and replace with 14 new digital faces;
- New digital sign faces will measure 10 feet x 30 feet (300 square feet total);
- Reduce the number of locations from 34 to 7-10 (no locations downtown);
- Most structures will support a double-faced sign; and
- Reduce overall sign square footage from 7,720 square feet to 4,200 square feet (a reduction of 46%)

Research into the topic of digital billboards has proven somewhat challenging and inconclusive. As a relatively new form of advertising, there is limited research exploring potential risks to motorists with little concrete documentation of those risks. Conversely, the benefits of such technology are well identified and do not appear to be disputed. Despite the public safety concerns, there is merit to allowing new effective technologies that allow for the easy updating of messages that reduces energy costs, eliminates the need for non-biodegradable materials, and dramatically reduces the number of miles traveled. There is the added benefit of an overall reduction of sign structures and faces that reduces the visual clutter along our roadways that competes with other scenic views

The primary concern over digital billboards is the potential increased risk to motorists as added distractions. By nature,

billboards are designed to attract attention which has the undesirable consequence of distracting motorists. The National Highway Traffic Safety Administration released in 2006 information that concluded taking one's eyes off the road for more than two seconds, for any reason, significantly increased one's crash risk; however, increases in crash rates may be attributed to a great number of distractions, both internal and external. Assuming some level of agreement that a billboard is just one of many distractions contributing to an increasingly complex driving environment, then the question may be not whether a billboard momentarily distracts motorists but whether a digital billboard distracts motorists for a longer period than a traditional one. Proponents of digital billboards point out that no study has been able to establish a causal relationship between billboards, digital or traditional, and increased crash rates; however, the digital signs are relatively new technology and enough concern appears to have been raised prompting the Federal Highway Administration to announce that it will initiate a study to examine the safety issues related to electronic signs (results are not expected until 2009). Opposing opinions also present strong 'common sense' arguments that brightly lit signs that change messages every few seconds compel us to notice them and draw our attention away from the road. We also recognize a digital billboard from a greater distance and intuitively understand that the message will change and may keep our eyes glued in anticipation of the next advertisement. Lastly, creativity in advertising appears to know no bounds and has been known to employ certain methods that entice individuals to stay tuned to see more or learn what happens next; attempts to regulate against this and other methods can be extremely challenging.

When considering whether electronic billboards are appropriate for Asheville, there are a number of factors that may be considered. The first is that the application of digital billboards may help further of a number of City goals including:

- Preserving and promoting opportunities for economic growth;
- Promoting sustainable (green) business practices; and
- Preserving scenic views.

Of course, in addition to these goals concern over protecting the public's health, safety, and welfare are also of great concern but in absence of any information that concretely identifies digital billboards as an increased safety risk to motorists, it becomes difficult to understand the extent of the risk or how to mitigate it. Nevertheless, should the Commission choose to adopt standards allowing digital billboards, regulations should be considered to minimize proliferation and their potential threats to public safety. A number of these standards are reflected in the ordinance and may be summarized as follows:

- Brightness controls to minimize glare and automatically adjust per the ambient light available;
- Limitations on the number of advertisers and the duration of the message;
- Conversion requirements that reduce the overall number of structures and sign faces;
- Prohibitions on known distractions such as flashing, scrolling, fades-in/out, emission of intermittent light, or animation of any kind; and
- Separation requirements to minimize the possibility of multiple distractions at one time.

Other Items of Note:

- In January 2005, an Ordinance that regulated the removal, repair, and relocation of Off-premise (billboard) signs was adopted along with a settlement agreement that resulted in the removal of some billboards.
- The number of advertisers affects the total face time of an advertisement, not the duration of the static image.
- Signs can be used to inform motorists of public safety announcements (highway crashes, long delays, Amber alerts, etc.).
- The largest (traditional) billboard size allowed in the City of Asheville is 380 square feet.
- Driver distraction is a factor in one out of every four crashes.
- Review of digital billboards could be considered on a case by case basis as a Conditional Use Permit.

The Planning & Zoning Commission has considered this information in two separate meetings where a delay in action was taken at the staff's request to allow time to conduct additional research and to work with the representatives of the outdoor advertising industry on developing standards that would meet their needs while accomplishing other City goals. The results of these meetings are reflected in the amendment draft and in the Commission's unanimous recommendation for approval. The draft as approved by the Planning & Zoning Commission includes the following highlights:

- (1) The addition of two billboard corridors: (1) Long Shoals Road from Hendersonville Road to the extraterritorial jurisdiction area; and (2) Airport Road from Hendersonville Road to the boundary between Buncombe County and Henderson County.
- (2) The maximum allowable size of 380 sq. ft. which is the maximum allowed now for a billboard).
- (3) The conversion replacement formula is 3 to 1.

- (4) There is an 8-second display time per advertisement (the Federal Highway Administration's minimum).

Pros:

- Provides for a more sustainable business practice.
- Provides new opportunity for advertisers and businesses relying on outdoor advertising.
- Would result in a reduction of sign structures and cumulative sign face.

Cons:

- Digital billboards will contribute to a complex driving environment and may increase distraction to motorists and increase the risk of crashes.

This draft has been circulated to CIBO, CAN, and CREIA along with other interested parties.

Staff recommends approval of the standards regulating digital billboards as presented in the ordinance, along with the addition of the two billboard corridors.

Mayor Bellamy closed the public hearing at 7:35 p.m.

Ms. Tuch responded to various questions/comments from Council, some being, but are not limited to: was this ordinance reviewed by the group reviewing the lighting ordinance; how many changing faces will be on each billboard; how do we control the brightness and how was that brightness level determined; what is the City's recourse if it's found that the brightness is exceeding what is allowed in the ordinance; is the brightness adjusted automatically; does the City have any sense on how many billboards will be taken down if this ordinance is adopted; update on the current digital billboard on I-26 by the Airport that was put up by an individual, but now Lamar has purchased the sign; explanation of energy savings for a 24-hour digital billboard vs. traditional flood lights at night for a regular billboard; how many billboards does the City currently have; and how did staff come up with the 3-1 conversion.

Regarding brightness, Mr. Terry Graves, representing Fairway Outdoor Advertising, said that the intent is for the digital billboard signs to look the same both during the day and night. The lighting is turned up during the daytime and then is dimmed down at night.

Councilwoman Cape said that she was supportive of the digital billboards, but not supportive of adding two additional billboard corridors. If we have a street that doesn't have billboards on them now, this is an opportunity to make the choice of saying we don't want more billboards in our community.

Mayor Bellamy said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Cape moved to adopt Ordinance No. 3619, excluding the two additional billboard corridors. This motion was seconded by Councilwoman Jones.

Councilman Mumpower would have to speak against the motion because he felt that if we add the additional corridors, we further distribute the weight of the billboards and that is fair to the people who live in some of those areas that have a high concentration of billboards.

In response to Councilwoman Jones, Ms. Tuch said that if in the future digital billboards are found to create a public safety hazard, City Council could revise the standards.

The motion made by Councilwoman Cape and seconded by Councilwoman Jones failed on a 2-5 vote, with Councilwoman Cape and Councilwoman Jones voting "yes."

Councilman Russell moved to adopt Ordinance No. 3619 including the two additional billboard corridors. This motion was seconded by Councilman Mumpower and carried on a 6-1 vote, with Mayor Bellamy voting "no."

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B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING ORDINANCE FOR PROPERTY LOCATED AT 1741 HENDERSONVILLE ROAD REGARDING SIGNAGE FOR THE WEIRBRIDGE VILLAGE PROJECT

At the request of City staff, Councilman Russell moved to continue this public hearing until May 27, 2008. This motion was seconded by Councilman Mumpower and carried unanimously.

V. UNFINISHED BUSINESS:

A. RESOLUTION REGARDING PROPOSED INCORPORATION OF THE TOWN OF SWANNANOA

Interim Planning & Development Director Shannon Tuch said that this is the consideration of a resolution addressing the incorporation of the Town of Swannanoa. The resolution reads in part: "(1) The City of Asheville approves the incorporation effort of the town of Swannanoa to obtain a greater degree of governance and control over its future through incorporation, but expresses the following concerns (a) that the size of the area proposed for incorporation will present practical difficulties in delivering urban services; (b) that the density and character of the area proposed for incorporation is predominately rural and does not reflect the intent of incorporation; and (c) incorporation affects the City of Asheville's opportunities for improved fiscal health; (2) The Task Force will request the Joint Legislative Commission on Municipal Incorporations to recommend to the General Assembly that any act incorporating Swannanoa be submitted to a referendum, pursuant to NCGS 120-172; and (3) The City Attorney is directed to transmit a certified copy of this resolution to the Commission."

In March of 2008, Council heard a presentation from residents of the Swannanoa area regarding their effort to incorporate. Following that presentation and some discussion by Council, there was direction to staff to more closely examine the western boundary of the proposed town of Swannanoa to ensure that the City of Asheville's interests would not be compromised if the area were to be incorporated. Subsequently, staff did more closely examine the western boundary and arranged for a meeting with representatives from the incorporation task force. Upon closer examination, the western portion of the area proposed for incorporation insufficiently qualified for annexation by the City of Asheville and is unlikely to qualify within the relatively near future; however, from a revenue standpoint it would be in the City's interest to keep the area unincorporated as it would allow for an opportunity to redraw the fire district boundaries and arrange for a service agreement between the Swannanoa Fire District and the Asheville Suburban Fire District, with the goal of sending the closest emergency responders to incidents. The mid point between Asheville's east fire station and Swannanoa's closest fire station is outside the current Asheville city limits and falls within the westernmost edge of the proposed town (in the area of Teems Lane and U.S. 70).

Opportunities exist to partner with Swannanoa Fire Department to provide fire and rescue services in a different manner than they are currently being provided. The current incorporation effort provides us the platform and opportunity to discuss and explore those opportunities that are both possible and viable. If fire district boundaries could be redrawn, it would result in some revenue for the City, lower fire district taxes for the residents and businesses and lower insurance premiums for the business owners. However, the Swannanoa Fire Department would receive less revenue and redrawing of district boundaries must be approved by the Buncombe County Board of Commissioners. A rough estimate for potential revenue totals approximately \$13,000 per year, not including a necessary contractual agreement with the Swannanoa Fire Department. It should be noted that this is not revenue currently received by the City and is simply identified as a lost opportunity once incorporation is in place.

Since the March meeting, Swannanoa representatives and staff have continued to discuss the matter; staff initially recommended a revised western boundary that more closely resembles the existing zip code boundary and would result in reduction of approximately ½ square mile. Staff felt that this line reasonably represented a service delivery area, was likely to have a surveyed boundary, and would protect Asheville's interests. Swannanoa representatives responded with a revised boundary to better reflect existing property lines but effectively retained the same number of square miles as originally proposed for incorporation at 23.6 square miles.

Staff also raised the question of whether the Town of Swannanoa would consider including in their articles of incorporation (or entering into an annexation agreement) that would limit their ability to annex, voluntarily or involuntarily, outside the proposed boundaries. In response, Swannanoa representatives did not feel that they, as volunteers and not elected officials, could fairly represent other citizens' interests in this request; however, they did indicate that they would consider making a recommendation to a future town council that an agreement with Asheville should be considered and expressed some willingness to consider a committing to delaying any annexation efforts for a period of time to allow an agreement to be developed. They verbally commit to not pursuing any annexation in this area in the relatively near future (next two years) in order to allow the opportunity for the municipalities to have that regional growth management discussion.

At the March 25, 2008, meeting where previous consideration occurred, legal and process issues were explained as to why the City of Asheville is being requested to consider this matter.

Pros:

- Would allow for Swannanoa to have a degree of self governance
- May help contribute to regional partnerships

Cons:

- Size of area and potential delivery of service problems
- Supports a trend of rural incorporations without regional planning
- Financial impact (loss of opportunity for revenue through fire service)

City staff requests City Council consider the information contained in the staff reports and presentations offered by the Swannanoa representatives and make an appropriate motion with respect to the proposed resolution.

Should the Council choose to support the adoption of the resolution – staff would encourage the Council to request a commitment from the Task Force as to a statement whereby, if the City agreed to do the same, they would agree not to annex into the Highway 70 area for a period of two years to allow for the future elected Town Council to negotiate a “Sphere of Influence” annexation agreement with Asheville. (City staff did not foresee City of Asheville annexation into this area in the near term.)

Ms. Tuch said that minutes before this meeting started they received some information from the Task Force about some concerns about the resolution. Two of their three concerns can be very easily addressed. The first concern was a specific reference to the NCGS - Asheville listed one and the Task Force felt it should be a different one. Staff will make the necessary adjustment if warranted. The second concern had to do with clarifying that they have not yet filed the petition to the Joint Legislative Commission on Municipal Incorporation. That is a staff error and was misunderstood. The Task Force requests the City’s resolution be amended to direct the City Attorney send a certified copy of the resolution to the Task Force, not the Joint Legislative Commission. Staff will make the necessary adjustment, if appropriate. Both of those amendments staff has no concern over. The Task Force’s third concern was the expression of concerns in Asheville’s resolution. Staff feels that they have brought those concerns to Council’s attention and if it’s Council’s will to remove those concerns from the resolution, staff will follow-through on that amendment as well. Staff will leave that to Council’s discretion.

The following individuals spoke in support of the Asheville’s resolution supporting the Town of Swannanoa’s incorporation (with modifications to the western boundary outlined by City staff and with the following three amendments to the Asheville resolution: (1) the change to the specific NCGS; (2) the certified copy being sent to the Task Force; and (3) the elimination of the three concerns of Swannanoa’s incorporation effort) for several reasons, some being but are not limited to: creation of jobs through economic development; leverage of funds to develop affordable housing; basic core services, specifically street lighting; Task Force has received only one request to be removed from the petition and that person did not reside in the proposed boundaries; residents wish to control their own destiny and improve their community; residents were not forced to sign incorporation petition; and Swannanoa residents want to plan their own vision:

Mr. Dave Alexander, member of the Swannanoa Incorporation Task Force
Ms. Linda Kinney, Swannanoa resident and member of the Swannanoa Incorporation Task Force
Mr. Mike Tolley, business owner in Swannanoa and member of the Swannanoa Incorporation Task Force
A resident of Swannanoa
Ms. Janet Jones
Ms. Carol Groben, member of the Swannanoa Incorporation Task Force

The following individuals spoke against Asheville’s resolution supporting the Town of Swannanoa’s incorporation, for several reasons, some being, but are not limited to: there is nothing in the statutes that requires a vote of the people; the petition to incorporate is invalid as workers were told that Asheville as going to annex Swannanoa in a matter of months; several people who signed the pro-incorporation petition have since requested their names be removed; the Swannanoa Incorporation Task Force will not accept the letters requesting names be removed from the petition; the Task Force has understated the proposed budget; three committees have already been formed but their services are not included in the incorporation budget; City and County should consolidate; request an additional concern be added to Asheville’s resolution of allowing the owners of the large rural mountain areas have the option of not being annexed; rural areas will not benefit from street lights, sidewalks, etc. but have to pay taxes; frustration with trying to contact the Task Force to discuss positions; requests to have large tracks of undeveloped land excluded from proposed incorporation boundaries; and would support incorporation of the center of Swannanoa and not people who live in outlying areas who will receive no benefit but will have to pay taxes:

Mr. Eric Gorney, Swannanoa resident representing Swannanoa Truth
Rev. Christopher Chiaromonte, Asheville resident
Mr. Colin Roberson
Ms. Nancy Dugan, owner of over 200 acres of a large rural mountain area

Ms. Hoffman, Swannanoa resident

Mayor Bellamy closed the public hearing at 8:28 p.m.

Councilman Newman was concerned about the incorporation of people who own large undeveloped tracks of land miles from the center of Swannanoa. Mr. Alexander responded that they were advised by the School of Government to keep the boundaries as simple as possible. The proposed boundary is already drawn (Swannanoa Fire District) and changing those boundaries would require a survey which would be expensive. They do not have the resources to survey land to be excluded. If Mr. Roberson and Ms. Dugan (one piece of property) pay for the survey to exclude their property from the proposed incorporation, then that can be worked out.

Councilman Mumpower feels it is up to the people to determine the outcome for their community and that would require a referendum. However, the Asheville resolution makes no reference of a referendum. If there is not a referendum, then this is nothing more than forced annexation. Ms. Tuch said it was her understanding that Asheville cannot require a referendum.

In response to Councilman Mumpower, Assistant City Attorney McGlohon said that she would have to research whether Asheville's resolution of support can be conditioned upon a referendum.

During a brief discussion about the budget and in response to Councilman Mumpower, Ms. Tuch said that staff's concern about their anticipated cost and revenue picture is based on Asheville's own experience.

Ms. Groben, attorney not licensed in North Carolina, said that the statutes do not address the issue of referendum. She felt Asheville could adopt the resolution of support of Swannanoa's incorporation conditioned upon there being a successful public referendum in support of incorporation. To prevent further delay, she urged City Council to adopt that language at this meeting with said language being conditioned upon approval by the City Attorney.

Councilwoman Cape felt that a small Town of Swannanoa makes sense, but expressed concern over the size proposed by Swannanoa. She supported the resolution with the concerns laid out. She also supported having a condition allowing people to opt out of incorporation, like Warren Wilson College and the Cove had the opportunity to do.

Councilman Newman moved to adopt a resolution regarding the proposed incorporation of the Town of Swannanoa as presented by City staff (including the three concerns in the resolution) with the western boundary resembling the existing zip code boundary (because there is no understanding about where Asheville will grow in the future), and subject to (1) the City Attorney determining if the correct statute is cited; (2) the City Attorney determining where to submit the certified copy of the resolution; (3) an additional concern in the resolution "We encourage the Swannanoa Incorporation Task Force and the Joint Legislative Commission on Municipal Incorporation to consider excluding or giving an option for exclusion the large rural tracts on which there are no current planned developments to be included in the proposed Township; and (4) the City Attorney be directed to develop language in the resolution to underscore that Asheville's support is conditional upon a referendum. This motion was seconded by Councilwoman Cape.

Councilwoman Cape asked for a friendly amendment that the motion be amended to include the following language (underlined) "In order to preserve the natural character and conservation of our mountains, we encourage the Swannanoa Incorporation Task Force and the Joint Legislative Commission on Municipal Incorporation to consider excluding or giving an option for exclusion the large rural tracts on which there are no current planned developments to be included in the proposed Township." Councilman Newman accepted the friendly amendment.

In response to Councilman Russell, Ms. Tuch said that if the current City limits were the zip code boundary on the western edge, the property that Swannanoa wants to incorporate would not qualify for annexation by Asheville or by Swannanoa, primarily for lack of density and urban level of development.

Vice-Mayor Davis preferred to postpone action at this meeting until after the City Attorney has had an opportunity to review the language and concise language could be drawn up regarding the referendum.

Mayor Bellamy asked for a friendly amendment to the motion that the western boundary be the existing zip code boundary only in the proposed area for incorporation. Councilman Newman and Councilwoman Cape accepted that friendly amendment.

Assistant City Attorney McGlohon felt it would be appropriate for Council to get clear direction from the City Attorney in determining whether or not the language in the motion would constitute an approval or a rejection by the Joint Legislative Committee as from a process standpoint, there is a legal distinction.

In response to Councilman Mumpower, Mr. Alexander said that a two-week delay would not materially affect their work. Mr. Alexander did, however, express concern over the zip code boundary as proposed by Asheville as it would exclude the historical graveside of Samuel Davidson (regarded as the first settler west of the Blue Ridge) which has a particular significance to Swannanoa.

Mayor Bellamy noted that if this action is delayed for two weeks, it will be added to an already heavy May 27 agenda. As a courtesy, she said that if it is continued, she would place it prior to the public hearings.

Councilman Newman recommended Council vote on the motion on the floor and after the City Attorney reviews the language and determines that it is very likely that it will trigger a negative recommendation, that Council should revisit it again so it is not interpreted as a negative recommendation.

Councilwoman Cape withdrew her second to the motion because Asheville's key interest is the western boundary being the existing zip code boundary and the Task Force disagrees with that.

Councilman Newman withdrew his original motion.

Councilman Newman moved to adopt a resolution regarding the proposed incorporation of the Town of Swannanoa as presented by City staff (including the three concerns in the resolution) with the western boundary resembling the existing zip code boundary, and subject to (1) the City Attorney determining if the correct statute is cited; (2) the City Attorney determining where to submit the certified copy of the resolution. This motion was seconded by Councilwoman Jones and failed on a 3-4 vote, with Mayor Bellamy, Councilwoman Jones and Councilman Newman voting "yes" and Vice-Mayor Davis, Councilwoman Cape, Councilman Mumpower and Councilman Russell voting "no."

Councilman Newman moved to continue this matter until May 27, 2008.

After a short discussion, Mayor Bellamy suggested the matter be reconsidered at the June 17 worksession, noting that action would be taken on that date.

At the request of Mayor Bellamy, Vice-Mayor Davis said that the City Council Planning & Economic Development Committee would meet with the Swannanoa Incorporation Task Force to see if a compromise on the western boundary could be reached.

Councilwoman Jones wanted to make sure that the statement regarding options for exclusion of large rural tracks is listed as an additional concern and the referendum is a condition of support.

The motion made by Councilman Newman and seconded by Councilman Russell carried unanimously.

B. RESOLUTION TO APPROVE (1) NEW CO-SPONSORSHIP APPLICATION AND CRITERIA FOR CO-SPONSORED EVENTS; AND (2) OUTSTANDING LIST OF CO-SPONSORED EVENTS FROM AUGUST 1 – DECEMBER 31, 2008

Diane Ruggiero, Superintendent of Cultural Arts, said that this is the consideration of a resolution authorizing the City Manager to approve the administrative procedures for co-sponsored events, the approval of \$129,306 for funding of events from August 1 through December 31, 2008, and the approval of a total of \$150,000 in co-sponsorship support for Fiscal Year 2008/09.

The City of Asheville co-sponsors events that benefit local non-profit organizations and enhance the community with public events, parades, and festivals. The City of Asheville co-sponsors public events, parades, and festivals that benefit local non profit organizations and enhance the community.

Going forward, the City of Asheville will issue a Request for Proposal (RFP) in the Fall of each year for organizations and individuals wishing to apply for a co-sponsored event. The RFP clearly outlines the program criteria and expectations. Prior to the RFP deadline, the City of Asheville will conduct a series of workshops to assist potential applicants through the application process.

Staff will review the applications, followed by the Recreation Board who will evaluate, score and rank all applications and make the final recommendation to City Council. Events with a high ranking will receive co-sponsorship support up to the amount approved by the City Council. After each event, applicants receiving co-sponsorship will submit an event evaluation report which will be considered in the event they should apply for support in the future.

Staff recently obtained additional event information from the remaining co-sponsorship applicants for 2008. Each event was scored from highest to lowest based on the event criteria presented to Council on April 5, 2008.

For calendar year 2008, the cost of proposed co-sponsored events was \$312,000 of in-kind goods and services (increased by \$67,000 to include support for the Holiday Parade and Friends of Pritchard Park). Staff recommends limiting the total cost to \$150,000 of in-kind goods and services for co-sponsored events for each fiscal year beginning in Fiscal Year 2008-09.

The approval of \$129,306 will provide support for the Holiday Parade, the Friends of Pritchard Park, Shindig on the Green, Festival in the Park, Downtown After 5 and Goombay. Occurrences for Shindig on the Green, Festival in the Park, and Downtown After 5 prior to August 1, 2008, have previously been approved by Council and staff recommends that the remaining occurrences be approved as well.

This will result in a balance of \$20,694 for funding events from January 1 through June 30, 2009, for a total of \$150,000 in co-sponsorship support for Fiscal Year 2008-09. Council may wish to include additional events by increasing the \$150,000 co-sponsorship budget allocation.

Pros:

- Ensures co-sponsored events are aligned with the City's goals and vision
- Controls the amount resources allocated to co-sponsored events
- Allows the City to budget accordingly
- Defines the process and the goals to the applicants

Cons:

- Lowers the number of events
- Organizations will have to plan further in advance
- Organizations will have more paperwork to complete

Regarding the fiscal impact, \$150,000 is from the general fund to cover direct cost (overtime, vehicles, etc.) and lost revenue (permit fees, water, etc.) for Fiscal Year 2008-09.

City staff recommends City Council adopt a resolution authorizing the City Manager to consider the administrative procedures and funding proposal for co-sponsored events in preparation for Fiscal Year 2008-09.

Mr. Jesse Ray, member of the Board of YMI Cultural Center, urged Council for their continued support of the Goombay Festival, which is an asset to the City, County and region.

After Vice-Mayor Davis spoke about the Oasis Shrine Parade and its huge economic piece, Ms. Ruggiero said that they have talked with all the event organizers to find ways to lower overall costs. She said that parades are expensive, because of police, fire, rescue support and street closures. She said staff did not talk to any other agencies to see if there would be support for them.

Vice-Mayor Davis moved to adopt the administrative procedures and funding proposal for co-sponsored events in preparation for Fiscal Year 2008-09 (Holiday Parade, the Friends of Pritchard Park, Shindig on the Green, Festival in the Park, Downtown After 5 and Goombay). This motion was seconded by Councilwoman Cape.

Councilman Mumpower did not have any criticism of the events, but he didn't think Asheville should be in the business of selectively choosing what we like and don't like. More importantly, we are taking away from things that might be a better investment. He felt the events can raise money for themselves. Until we get the drugs out of housing units, he would vote against the motion in that those dollars could be spent more wisely.

Councilwoman Cape said that at the downtown master plan session, the community expressed support for festivals as they bring the community together, add a sense of safety in knowing each other and encourage the vibrancy of economic development of the community. She also felt we need to ask for partnerships with others in the community. She felt that ranking is a good process by which we look at the values and make some hard choices.

In response to Councilman Newman, Ms. Ruggiero said that every event will have to reapply each year for co-sponsorship funds.

In response to Mayor Bellamy, Ms. Ruggiero said that in addition to police, fire and street closings, other in-kind costs include the City's equipment. She said that the way this is structured, the City is going to ask the festival to pay for equipment

fees as well. For instance, the stage is set up and taken down by the Parks & Recreation maintenance staff which may results in overtime hours if on a weekend.

Mayor Bellamy could not support the motion as these are deep cuts with very little notice. She felt that some people won't go to the Civic Center or worry about police protection, but they look forward to going to the, for example, AIDS walk, to promote their cause. It's disappointing to have all or none. Some groups don't ask for much from the City and she felt we are cutting out a lot of key events that the community looks forward to.

Councilman Mumpower suggested another approach might be to fund all of the co-sponsorship events that were funded last year, but reduce the City's participation by 50%.

The motion made by Vice-Mayor Davis and seconded by Councilwoman Cape failed on a 3-4 vote, with Vice-Mayor Davis, Councilman Newman and Councilman Russell voting "yes" and Mayor Bellamy, Councilwoman Cape, Councilwoman Jones and Councilman Mumpower voting "no."

City Manager Jackson said that this is not out of pocket expense, but in-kind services. It does, however, have an impact on overtime and would require the City to manage that. If it's Council's desire to co-sponsor more events, he will work with staff and come back with a brief follow-up recommendation in two weeks.

As there is the majority support of Council to cut the costs, it was the consensus of the majority of Council to instruct the City Manager to work with staff in trying to bring back some of the other groups back in without too much impact upon the budget and come back with a brief follow-up recommendation at the May 20 worksession, noting that formal action will be taken at that worksession on that item.

Councilwoman Jones felt like we must have some type of gate-keeping for costs for new events. She felt it was fair for groups, even non-profits, to contribute.

Mayor Bellamy said that the Housing Trust Fund has a good point system model in place that might be worthwhile to review.

VI. NEW BUSINESS:

A. WATER LINE EXTENSIONS TO THE OAKS SUBDIVISION

Water Resources Director David Hanks said that this is the consideration of participation with Buncombe County to extend water services to the Oaks subdivision in the Mills Gap community of southern Buncombe County. The Buncombe County Commissioners voted unanimously today for their participation on this.

Buncombe County government has been working closely with both the N.C. Department of Environment and Natural Resources (DENR) and the U.S. Environmental Protection Agency (EPA) regarding the CTS Plant site ground contamination issue. The Buncombe County commissioners recently voted to fund water extension for city water services to The Oaks subdivision, a 34 house residential community in unincorporated south Buncombe County, due to the concerns raised by this community about residential well contamination. County officials have requested any assistance from the city for water service extension, to include determining all costs associated with providing water services as outlined, and consideration of fee waivers and cost reductions where possible. In recent weeks, EPA and DENR have found three wells, serving a total of seven residential homes in this subdivision, to be contaminated.

City staff has completed this work, to include seeking an outside bid from APAC to provide necessary paving for the water line extension. Those estimates are as follows:

1) Cost for materials and supplies for water line installation:	\$ 87,719.11
2) APAC paving bid:	\$ 94,514.00
3) NCDOT (milling roads and boring under Pinner's Cove)	\$ 43,590.00

Total Cost to **Buncombe County** for Water Line Installation: \$225,823.11

In addition, the city has the ability to waive of the following fees & costs:

1) Water fee waivers:	\$37,162.00
2) Labor costs absorbed by the Water Department:	\$41,712.55

- 3) Equipment/vehicle costs absorbed by the Water Department: \$21,584.50
4) Engineering survey site design costs: \$ 3,000.00

Total Costs Waived and/or Absorbed by the **City of Asheville**: \$103,459.05

It should be noted that if approved, staff estimates eight weeks to complete this project.

Pros:

- This service extension will eliminate residential well usage in the Oaks subdivision community, which addresses groundwater contamination issues.
- This partnership with Buncombe County aligns with the City Council Strategic Goals, specifically positive intergovernmental relations with sister local governments.
- There is no other long term viable solution for water service in this residential area.

Cons:

- The Water Resources Fund is absorbing \$103,459.05 in one-time capital installation costs and related fees.
- In the event of further contamination in this general area, other residential communities may request water service and cost waivers.

Regarding the fiscal impact, the water utility would absorb costs totaling \$66,297.05 and forego revenue of \$37,162.00. This action also potentially sets a precedent for future service extensions to areas served by wells.

Staff recommends expediting this project in coordination with county officials given the public health issues associated with the CTS site contamination issues. In doing so, staff is prepared to implement this project as materials/supplies costs only to Buncombe County Government.

In response to Councilman Mumpower, Mr. Hanks said that Buncombe County is proposing a policy through the Health Department that any and all wells in the vicinity will be tested for health issues.

Mr. James Wilson, resident in the Oaks Subdivision, urged Council's support as his is one of the wells contaminated.

Councilwoman Cape said that understands that the company who created this contamination had pre-knowledge of that contamination. She wondered if there are options for the City to get that company to help re-coup the funds expended by the City and the County for this water line installation. Mr. Hanks said that the County has been working through the EPA and NCDENR and with the CTS owners for the last year to come up with funding options and they have not been forthcoming.

In response to Mayor Bellamy, Mr. Hanks said that after the lines are installed, they will become City of Asheville water lines.

Mayor Bellamy appreciated City staff's efforts to work in cooperation with Buncombe County.

Councilman Mumpower moved to expedite this project in coordination with county officials given the public health issues associated with the CTS site contamination issues, with the City waiving all fees and costs. This motion was seconded by Councilwoman Cape and carried unanimously.

B. RESOLUTION NO. 08-101 - RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY AND THE ENVIRONMENT

Vice-Mayor Davis said that this is the consideration of appointing a member to the Sustainable Advisory Committee on Energy and the Environment.

Ms. Tabettha Reyes has resigned as a member of the Sustainable Advisory Committee on Energy and the Environment thus leaving an unexpired term until December 31, 2008.

On March 25, 2008, City Council interviewed Melanie Brethauer, Brandee Boggs, Marcus Renner, Ashley Featherstone, Kristin M. Peppel and Daniel Asher. Ms. Brethauer was appointed to the then vacant seat. Ms. Ashley Featherstone and Mr. Daniel Asher each received one Council vote.

At the April 22, 2008, Board/Commission meeting, the Committee recommended Council re-vote for either Ashley

Featherstone or Daniel Asher to fill Ms. Reyes unexpired term.

After Council spoke highly of the candidates, Ashley Featherstone received 3 votes and Daniel Asher received 3 votes. After a revote was taken, Ashley Featherstone received 4 votes and Daniel Asher received 2 votes. Therefore, Ashley Featherstone was appointed to serve the unexpired term of Ms. Reyes, term to expire December 31, 2008, or until her successor has been appointed.

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C. RESOLUTION NO. 08-101 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Davis said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission. There are requirements that must be met for the appointments. He said that since there will be a third appointment up next month, Council can (1) make both appointments tonight and readvertise for the new vacancy next month; or (2) appoint the landscape architect at this meeting and make two appointments next month.

Lupe Perez has resigned from the Historic Resources Commission, thus leaving an unexpired term until July 1, 2009. In addition, Amanda Warren has moved into Buncombe County, thus leaving another unexpired term until July 1, 2009.

On April 15, 2008, City Council instructed the City Clerk to arrange interviews for Brad Brock, Beth Gillespie, Scott Taylor and Dorothy Herbert. Ms. Herbert was unable to attend the interview.

After Council spoke highly of the candidates, Brad Brock received 3 votes; Beth Gillespie received 7 votes; Scott Taylor received 3 votes; and Dorothy Herbert received no votes. After a revote, Brad Brock received 4 votes and Scott Taylor received 2 votes. Therefore, (1) Brad Brock was appointed to serve the unexpired term of Mr. Perez, term to expire July 1, 2009, or until his successor has been appointed; and (2) Beth Gillespie was appointed to serve the unexpired term of Ms. Warren, term to expire July 1, 2009, or until her successor has been appointed.

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D. RESOLUTION NO. 08-102 - RESOLUTION APPOINTING A MEMBER TO THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

Vice-Mayor Davis said that this is the consideration of appointing a member to the River District Design Review Committee.

The term of Ken Fulford (design professional) expired on September 1, 2007.

On April 15, 2008, City Council instructed the City Clerk to arrange interviews for Mark Allison and Gregory Sills (depending on whether Mr. Sills held a license). Ms. Sills did not hold a license and understood the "design professional" vacancy.

It was the consensus of Council to appoint Mr. Allison to fill the design professional vacancy left by Mr. Fulford, whose term will expire September 1, 2010, or until his successor is appointed.

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When Vice-Mayor Davis stressed the importance of Council members attending the Board & Commission interviews, Councilman Mumpower suggested the Boards & Commissions Committee discuss this in that there may be a way for three members of Council to conduct the interviews.

E. CITIZENS-POLICE ADVISORY COMMITTEE

Councilwoman Cape moved to instruct the City Clerk to prepare the proper paperwork for the May 27, 2008, Consent Agenda, to appoint Cedar Romero to the Citizens-Police Advisory Committee as the west representative. This motion was seconded by Mayor Bellamy and carried unanimously.

VII. OTHER BUSINESS:

A. FUTURE STAFF REPORTS

It was the consensus of Council to have the Council staff reports contain information regarding recommendations from the applicable Board/Commission, if appropriate.

B. CLAIMS

The following claims were received by the City of Asheville during the period of April 18 – May 8, 2008: Jennifer White (Water), Scott Green (Sanitation), Jeff Richardson (Parks & Recreation), Mildred Gantt (Water), Chris Manderson (Streets), Marlene Pollack (Streets), Marisa Thomas (Streets) and Morgan Loromer (Parks & Recreation).

These claims have been referred to Asheville Claims Corporation for investigation.

C. LAWSUIT

The City was served with a Notice of Contested Case and Assignment from the Office of the Administrative Hearings on April 14, 2008, regarding Jeannie L. Day vs. City of Asheville. The nature of the proceeding is an administrative hearing contesting validity of the animal control fine. This matter will be handled in-house.

VIII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. David Allen Wilson spoke to Council about police misconduct and his request for citizen detention. Mayor Bellamy asked City Manager Jackson to meet with Mr. Wilson regarding this issue.

Mr. Mike Fryar spoke to Council about the shuttle service to UNC-Asheville on May 2, 2008, during Michelle Obama's visit to UNC-Asheville. He questioned what the decision-making process is for these types of actions, were other campaign candidates given this same consideration, what the cost of service was for the two buses and the ridership level. Councilman Mumpower also asked for a brief legal review of this incident. Councilwoman Cape was pleased that we have staff getting ahead of a problem, but would like to understand the process by which this moved forward. Mayor Bellamy asked City Manager Jackson to have Director of Transportation and Engineering Cathy Ball supplement her response of May 12, 2008, given to Mr. Fryar.

Rev. Christopher Chiaronmonte spoke about the homeless issue in Asheville and urged Council to investigate why the public restrooms are closed on Sundays. He said if the City continues to make Pritchard Park a war zone against the homeless, the homeless will trash Asheville in 3-4 years. Mayor Bellamy asked City Manager Jackson to investigate the hours of operation of the Haywood Street restrooms and if AHOPE is operating pursuant to their contract. She said it would be disappointing to have our homeless community doing the types of misbehavior that Rev. Chiaronmonte represented here tonight, looking at the investment this Council has made in trying to provide services for the homeless. She hoped we can work through AHOPE and/or the Rescue Mission to assure the homeless that the City is not their enemy, but partners to ensure our homeless has services. The Asheville-Buncombe Community Christian Ministry has committed to work diligently that there be no homeless veterans in our community. Among others, Mountain Housing Opportunities is working with wrap-around services for individuals who are homeless.

IX. ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 10:30 p.m.

CITY CLERK

MAYOR