

Tuesday – May 11, 2010 - 4:00 p.m.

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Brownie W. Newman; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilwoman Esther E. Manheimer; Councilman William A. Russell Jr.; Councilman Gordon D. Smith; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

**PLEDGE OF ALLEGIANCE**

Mayor Bellamy led City Council in the Pledge of Allegiance.

**INVOCATION**

Councilman Bothwell gave the invocation.

**I. PROCLAMATIONS:**

**II. CONSENT AGENDA:**

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 23, 2010**
- B. RESOLUTION NO. 10-111 - RESOLUTION SETTING A PUBLIC HEARING ON JUNE 8, 2010, TO CONSIDER PERMANENTLY CLOSING A PORTION OF FEDERAL ALLEY**

Summary: The consideration of a resolution of intent to permanently close a portion of Federal Alley, near 165 Coxe Avenue, and setting a public hearing for June 8, 2010, to consider the closing.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, the adjoining property owners, Swannanoa Laundry Inc., and the City of Asheville have requested the City of Asheville to permanently close a portion of Federal Alley. The Greenway Commission will review the proposed closure at their meeting on May 13, 2010

This closure allows maximum land use potential for further development complying with the Asheville City Development Plan, Land Use.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties.

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close a portion of Federal Alley and setting a public hearing on June 8, 2010, to consider the closing.

City Manager Jackson said that the Chairman of the Greenway Commission is in favor of moving forward with this but he requested an opportunity to review the process and procedures for permanent closures.

**RESOLUTION BOOK NO. 33 – PAGE 32**

**C. RESOLUTION NO. 10-112 - RESOLUTION SUPPORTING H.R. 2746 WHICH WOULD PROVIDE FOR INCREASED FLEXIBILITY IN THE USE OF FEDERAL TRANSIT FUNDS BY ALLOWING TRANSIT SYSTEMS OF ALL SIZES TO USE A PERCENTAGE OF THEIR FORMULA FUNDS FOR OPERATIONS**

Summary: The consideration of a resolution supporting H.R. 2746 which would provide for increased flexibility in the use of Federal Transit Funds by allowing transit systems of all sizes to use a percentage of their formula funds for operations.

As a result of the 2000 Census, the City of Asheville was reclassified from serving an urbanized area of less than 200,000 in population to one serving more than 200,000 in population. Crossing that threshold meant that the City of Asheville could no longer receive Federal Funds allocated to it through the State Governor's Apportionment Program. Instead, the City of Asheville became a direct recipient and now receives Federal Funds directly from the Federal Transit Authority. However, none of the Federal Funds can be used for operating expenses.

About 40 transit systems throughout the country were affected by the subject reclassification which became effective during Federal Fiscal Year (FFY) 2002-03. In order to ease the financial burden caused by the loss of Federal Funds for operating expenses, exceptions were granted to the affected transit systems. These exceptions began during FFY 2002-03 and have continued through FFY 2009-10. The exceptions have been limited to an amount not to exceed the amount of funding that was apportioned during FFY 2001-02. Table 1 shows the amounts that have been available for the City of Asheville.

Table 1

Federal Fiscal Year	Operating Cost Limitation
FFY 2001-02 (Base Year)	\$968,044
FFY 2002-03	\$968,044
FFY 2003-04	\$703,518
FFY 2004-05	\$963,137
FFY 2005-06	\$484,022
FFY 2006-07	\$242,011
FFY 2007-08	\$484,022
FFY 2008-09	\$484,022
FFY 2009-10	\$484,022

Although the City of Asheville has been able to reduce the financial impact to transit operations by using Federal Funds for preventive maintenance and ADA eligible expenses, we are now facing a deficit of about \$500,000 because the exceptions are set to expire at the end of FFY 2009-10. This impact could easily jeopardize the service that has been provided to our citizens for the past several years including evening service and a continual increase in ridership.

The Amalgamated Transit Union along with the Community Transportation Association of America has been working on legislation to allow transit systems of all sizes to use operating assistance as they deem appropriate.

H.R. 2746, presented by Representative Russ Carnahan, D-Mo, would provide for increased flexibility in the use of Federal Transit Funds by allowing transit systems of all sizes to use a percentage of their formula funds for operations. This legislation incorporates the entire "100 Bus Coalition" bill (H.R. 734, 110th Congress), which would allow transit systems in areas above 200,000 in population to use their federal transit formula funds for operations if they are operating less than 100 buses during peak service hours.

In addition, the bill would dispense of the "cliff" that is reached when the population reaches 200,000 by allowing systems in all areas to use at least a portion of their funds for operations – the larger the population, the smaller the percentage that would be able to be used for operating.

Significantly, the bill would encourage state and local governments to invest in transit through a unique incentive program. The legislation provides for the conditional use of federal formula funds for operating purposes based on whether non-federal sources of revenue for a particular transit system increase from one fiscal year to the next. For example, if a transit system receives a five percent increase in state/local investment compared to the previous year, it would be eligible to use up to five percent of its federal formula funds for operations (in addition to the fixed percentage it would be able to use under the new rules discussed above).

Finally, the bill would take advantage of a new program created under the American Recovery and Reinvestment Act (ARRA) known as the "Transit Investments for Greenhouse Gas and Energy Reduction" (TIGGER) program. If a transit system receives a grant under this initiative and can demonstrate that it has reduced its greenhouse gas emissions or energy usage through the use of the grant, it would be eligible to use even more of its federal formula funds for operating assistance.

In summary, this bill would provide transit systems with local control of their Federal Transit Funds, allowing them to preserve critical service and hold down fares during tough economic times so that working people may be offered quality, affordable public transportation. The bill strikes the necessary balance given the challenges facing the Highway Trust Fund. It does not create any new revenue stream for transit operations.

The subject action complies with the City Council Strategic Operating Plan by fully leveraging funding from the State and other funding sources for regional transportation improvements.

Pros:

- The subject action would enable the use of Federal Funds for transit operating expenses for transit systems serving urbanized areas greater than 200,000 in population.
- The subject action would not commit the City of Asheville to any specific action.

Con:

- None

The continued receipt of Federal Funds (Section 5307) for transit operating expenses is crucial for maintaining current service levels and for minimizing the General Fund contribution to the Transit Fund. If the Federal Funds (Section 5307) are not received in future years, the negative financial impact to the City would be approximately \$500,000.

City staff recommends that City Council adopt a resolution affirming the importance of allowing urbanized areas with a population of 200,000 or more to be able to use Federal Funds (Section 5307) for transit operating expenses. If approved, City staff will communicate the City of Asheville's support for this bill to our Federal Legislative representatives.

**RESOLUTION BOOK NO. 33 – PAGE 33**

**D. RESOLUTION NO. 10-113 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR PROGRESS ENERGY ON CLINGMAN AVENUE**

Summary: The consideration of a resolution authorizing the Mayor to execute an easement for electric power lines at Owens-Bell Park.

In connection with improvements being made to Clingman Avenue, a bicycle path/lane is proposed for the east (uphill) side of Clingman Avenue. In order to accommodate this bike path, Progress Energy has agreed to move its existing power transmission lines from the east side of Clingman Avenue to the west side, where it will use existing poles already used by AT&T/Bell South, along the western edge of Owens-Bell Park. Owens-Bell Park is City owned property, and an easement is required because Progress Energy's lines would be in addition to the other utility lines already there.

This action complies with the City's Strategic Operating Plan in that it facilitates the implementation of a multi-million transportation plan and indirectly supports the River Front redevelopment efforts. This action also assists the State in the implementation of its plans. In addition, this action is also in compliance with the City's comprehensive bicycle plan, which calls for the installation of a climbing lane on Clingman Avenue, the main bicycle route to and from West Asheville.

Pros:

- Facilitates installation of climbing lane on Clingman Avenue (main bicycle route to/from West Asheville).
- Will consolidate overhead utilities on one side of street.

Cons:

- Will increase number of utility lines on west side of Clingman Avenue.
- Lines not being installed underground.

There is no fiscal impact.

Adoption of the resolution is recommended.

**RESOLUTION BOOK NO. 33 – PAGE 34**

**E. RESOLUTION NO. 10-114 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE PATTON AVENUE SIDEWALK NORTH SIDE PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract and any change order within the budgeted amount with Patton Construction Group, Inc. for the project known as Patton Avenue Sidewalk-North Side, City of Asheville Project # PW-03-04-007.

The City of Asheville will receive \$150,000 from the N.C. Dept. of Transportation (NCDOT) and has set aside \$300,000 of its own funds for this project. A formal request for bids was issued on March 18, 2010, and bids were opened on April 14, 2010. Patton Construction Group, Inc. was the low bidder at \$190,500. Presumably due to the current economic conditions, this was well under the original estimate of \$547,000. The disadvantaged business enterprise (DBE) goal of 10% was exceeded at 26%. Upon acceptance of the project, NCDOT will pay all \$150,000 of their funds. This is a unit price contract and not a lump sum contract.

This project will build a much needed sidewalk along Patton Avenue from Regent Boulevard to New Leicester Highway. The project also includes a small section of North Louisiana Avenue, from Patton to the entrance of The Rush fitness center. Current conditions are unsafe for pedestrians traveling along this route, especially a section on Patton where a steep embankment forces them to walk along the back of curb or even on the street itself. The scope of work includes sidewalk, curb and gutter, drainage, retaining walls, wheelchair ramps, a bus stop, and driveways.

This action complies with the City Council Strategic Operating Plan in fully leveraging funding from the State and other sources for regional transportation improvements. This action also complies with the City of Asheville Pedestrian Master Plan in that it provides sidewalk on a street identified in the plan as a need.

Pros:

- Implements a project in the City's adopted pedestrian plan.
- Provides long term investment in the City's infrastructure.
- Improves pedestrian safety.
- Encourages walking, thereby reducing carbon emissions, and promoting physical fitness.

Cons:

- The City will be responsible for future maintenance of the project.
- Project management and contract administration will consume staff time.

The approved budget for this project totals \$450,000. As noted earlier in the staff report, this budget consists of \$150,000 in funding from an NCDOT grant and \$300,000 in City pay-as-you-go funding. The low bid for the project came in at \$190,500. With the NCDOT grant covering \$150,000 of this cost, the City's share of the cost for the project will be only \$40,500. Therefore, it is anticipated that once this project is complete, there will be savings to the City of \$259,500 which can be rolled into the City's capital reserve fund and be re-appropriated for other Council-approved capital projects.

City staff recommends City Council adopt the resolution awarding the contract to Patton Construction Group, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville the contract and any change order within the budgeted amount.

**RESOLUTION BOOK NO. 33 – PAGE 36**

**F. ORDINANCE NO. 3850 - BUDGET AMENDMENT TO RECEIVE DONATED MONEY FROM CITIZENS FOR PROCUREMENT OF SUPPLIES FOR THE PURPOSE OF FIREFIGHTER RECOGNITION**

Summary: The consideration of a budget amendment, in the amount of \$1,400, to receive donated money from citizens for procurement of supplies for the purpose of firefighter recognition.

The Asheville Fire Department has received donations from private citizens for the purpose of firefighter recognition. These donations have been received throughout fiscal year 2009/2010. The department would like to use these funds to purchase supplies for the newly

formed Pipes and Drum Corp. A number of firefighters have voluntarily formed this Corp for the purpose of playing at firefighter recognition events, promotional and retirement ceremonies, and funerals. The Corp practices voluntarily on their own off duty time and is requesting to use these funds to purchase instruments and pay for instruction. The Asheville Firefighters Association is also separately donating money for this purpose.

This action complies with the City Council Strategic Operating Plan in that it helps to attract and retain quality employees and to ensure operational effectiveness by paying sound wages and benefits.

Pros:

- This action allows for recognition of firefighters without utilizing city tax funds. This action also provides for utilization of these funds as the donating citizens intended.

Con:

- None identified

These funds have been obtained through donations from private citizens for the purpose of firefighter recognition. No city tax funds will be utilized.

City staff recommends City Council approve the budget amendment to receive donated money from citizens.

#### **ORDINANCE BOOK NO. 26 – PAGE**

#### **G, ORDINANCE NO. 3851 - BUDGET AMENDMENT THROUGH A PARTNERSHIP WITH WARREN WILSON COLLEGE FOR PAYMENT OF TWO PART TIME/TEMPORARY INTERNS**

Summary: The consideration of a budget amendment, in the amount of \$3,000, to appropriate revenue and budget expenditure accounts associated with the payment for one part time temporary intern in the Office of Sustainability and one part time temporary intern the Transportation Department.

The City of Asheville and Warren Wilson College formed a strategic partnership in June 2007 to collaborate in our efforts to reduce green house gas emissions. As the City of Asheville continues to focus on affordability, sustainability, and fiscal responsibility, with the City's new Transit Master Plan and the Sustainability Management Plan is looking to provide an integral service to meet these plans goals and serve the citizens of Asheville and the region. Warren Wilson College will provide the funds for payment to these interns upon approval of this budget amendment request.

- The Transportation Internship will provide the student with an opportunity to be involved in the details of implementing significant route changes with the first stage of the Transit Master Plan as well as assist with other office projects.
- The Sustainability Policy Intern will learn about local government policy and administrative policy through working with staff to support the Sustainability Advisory Committee on Energy and the Environment (SACEE) and the City's internal Green Team.

This action complies with the City Council Strategic Operating Plan in the following ways: (1) Expand partnerships with UNC-Asheville, AB Tech and other institutions; and (2) Attract and retain quality employees with an emphasis on local labor pool development opportunities.

Pros:

- Internship supports the Transportation Department in implementing the Transit Master Plan

- Internship supports the City Office of Sustainability efforts to reduce carbon footprint of city operation

Con:

- None identified.

The \$3,000 to payment of intern wages will be provided by Warren Wilson College to be paid through the City of Asheville to the intern.

City staff recommends City Council adopt the budget amendment to appropriate revenue and budget expenditures associated with payment of intern stipends.

Mayor Bellamy is proud of our partnership with Warren Wilson College.

### **ORDINANCE BOOK NO. 26 - PAGE**

Mayor Bellamy asked for public comments on any item on the Consent Agenda, but received none.

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.

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

### **III. PRESENTATIONS & REPORTS:**

#### **A. FISCAL YEAR 2010-11 ANNUAL OPERATING BUDGET PRESENTATION AND MOTION SETTING THE PUBLIC HEARING ON SAID BUDGET FOR MAY 25, 2010**

Director of Administrative Services Lauren Bradley said that the budget goals are (1) Address structural issues within the city's budget so that Asheville can continue to achieve long-term fiscal stability (*Asheville 2010: A Financial Crossroads*); (2) Maintain the current tax rate to support financial stability for Asheville families and businesses.; (3) Continue to support our workforce as well as the stability of the region's economy by avoiding layoffs, salary cuts, and furloughs; and (4) Align resources with strategic planning and core services while minimizing service reductions to other areas.

The General Fund overview is (1) overall General Fund budget is decreasing by 1.1% compared to Fiscal Year 2009-10 budget; (2) overall staffing level will decrease by the equivalent of 17.26 full-time positions (including frozen positions); and (3) budget challenges have presented transformational opportunities – innovation, efficiency, strategic planning.

Regarding revenues (1) no property tax increase; (2) 1.5% growth projected in property tax revenue; (3) sales tax budget adjusted downward by \$1.0 million; and (4) no Fund Balance appropriation. Revenue enhancements include (1) Council-approved fee adjustments of \$200,000; and (2) Parking Fund transfer of \$225,000 (a) revenue to offset increases in cost of transit service; and (b) preserves evening service route.

Regarding expenditure reductions (1) managed savings and re-engineering - \$2,293,000 (a) reduction in overtime, temp and contract employment; and (b) reduction in travel, training, other line items; (2) service reductions - \$975,000 (a) reduction in community center hours and 7 part-time positions; no impact on summer programming; (b) reduce brush collection to once per month; and (c) reduction in outside agency funding; (3) selective hiring freeze - \$878,000; (4)

salary freeze - \$340,000 (a) pay supplement (\$300) for employees at or below area median income (629 employees); and (5) healthcare plan adjustments - \$300,000.

Regarding the Water Fund (1) cost savings strategies include freezing 3 vacant positions, delaying vehicle purchases, and other line item reductions; (2) 5% increase in water rates and the capital improvement fee necessary to continue current operations and meet debt service obligations; (3) even with the rate increase, water revenues will be flat compared to the current year budget (a) 9% decrease in water consumption; and (b) 47% decrease in tap/connection fees; and (4) capital budget includes \$5.6 million for water capital improvement projects.

Other funds (1) Parking Fund includes \$500,000 for a possible debt service payment for a new parking deck on Biltmore Avenue; (2) General Fund subsidy to the Transit Fund will be reduced by \$230,000 and replaced by an allocation from Parking Fund revenue and reserves (a) no reduction in Transit Service levels; (3) General Fund subsidy required to balance the Civic Center fund budget will remain essentially unchanged; (4) stormwater fees remain unchanged (a) debt will be issued in FY 1020-11 to fund \$2.3 million in major capital stormwater projects; (5) General Fund subsidy to the Festivals Fund will be reduced by \$22,000 (a) staff recommends suspending the Film Festival in 2010 and is exploring the possibility of privatizing the festival in 2011; and (6) a new Street Cut Utility Fund is being created to streamline and optimize the repair of street cuts needed by utility companies (a) the City will repair street cuts and charge the utilities companies for the work; and (b) provides a streamlined and cost effective process for utilities; considered a "win-win."

Major capital projects and investments include (1) fleet replacement (\$1.7 million) (a) \$1.2 million obtained through financing for a new fire aerial ladder truck; (2) Azalea Road project (\$1.9 million); (3) street, sidewalks, and pedestrian safety improvements (\$1.14 million); (4) parks and recreation improvements (\$535,000) (a) replacement and repair of parks and recreation centers; and (b) \$75,000 for land/easement acquisitions for greenways; and (5) Civic Center improvements (\$250,000) (a) improvements to facility's lockers and dressing rooms.

Mayor Bellamy said that City Council will have another opportunity to give direction at the May 25, 2010, 3:30 p.m. worksession.

Councilman Davis moved to set the public hearing on May 25, 2010. This motion was seconded by Councilman Russell and carried unanimously.

### **Closed Session**

At 4:16 p.m., Councilman Russell moved to go into closed session for the following reasons: (1) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including litigation involving the following parties: Larry Roland and the City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (2) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1). This motion was seconded by Councilman Davis and carried unanimously.

At 5:10 p.m., Vice-Mayor Newman moved to come out of closed session and return to the formal meeting. This motion was seconded by Councilman Bothwell and carried unanimously.

## **IV. PUBLIC HEARINGS:**

### **ANNEXATION PUBLIC HEARINGS**



Urban Planner Julia Cogburn said that this is the consideration of public hearings to obtain comment on the following twelve areas: Ingles, Schenck Parkway, Farleigh Street, Deerfield, Mountainbrook, Waters Road, Rocking Porch Road, Keasler/Sunnycrest, Upper Sondley, Tunnel Road, Willow Winds, and Airport Road.

On February 23, 2010, City Council adopted Resolutions of Intent beginning the annexation process for the following twelve areas: Ingles, Schenck Parkway, Farleigh Street, Deerfield, Mountainbrook, Waters Road, Rocking Porch Road, Keasler/Sunnycrest, Upper Sondley, Tunnel Road, Willow Winds, and Airport Road. The Annexation Services Plan for these areas was approved on March 9, 2010, and a public information meeting was held on April 12, 2010. Two people representing businesses affected by the proposed annexations attended this meeting. Remaining steps include:

Adoption of annexation ordinances - May 25, 2010

Effective date of annexations – September 30, 2010

Staff will make a brief presentation concerning the annexation areas and the Mayor should then open the public hearing for the area. Council should hear from the public separately on each area. The staff will bring forward annexation ordinances for Council consideration at the May 25, 2010, meeting.

**A. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE INGLES AREA (301 LONG SHOALS ROAD)**

Mayor Bellamy opened the public hearing at 5:18 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of the Ingles area (301 Long Shoals Road). This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for the Ingles area – (a) 1.5 parcels; (b) 3.6 acres; (c) commercial land use; and (d) meets nonresidential urban use text.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:19 p.m.

Mayor Bellamy said that consideration of the ordinance to annex the Ingles area will be held on May 25, 2010.

**B. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE SCHENCK PARKWAY AREA (BEHIND 380 LONG SHOALS ROAD)**

Mayor Bellamy opened the public hearing at 5:19 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of the Schenck Parkway area (behind 380 Long Shoals Road). This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) portion of 1 parcel; (b) 0.7 acres; (c) commercial land use; and (d) meets nonresidential urban use text.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:19 p.m.

Mayor Bellamy said that consideration of the ordinance to annex the Schenck Parkway area will be held on May 25, 2010.

**C. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE FARLEIGH STREET AREA (BEHIND 380 LONG SHOALS ROAD)**

Mayor Bellamy opened the public hearing at 5:19 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of the Farleigh Street area. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) portions of 2 parcels; (b) 0.6 acres; (c) commercial and residential land use; and (d) meets development test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:19 p.m.

Mayor Bellamy said that consideration of the ordinance to annex the Farleigh Street area will be held on May 25, 2010.

**D. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE DEERFIELD AREA**

Mayor Bellamy opened the public hearing at 5:20 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of the Deerfield area. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) portion of 1 parcel; (b) 29.3 acres; (c) institutional land use; and (d) meets nonresidential urban use text.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:20 p.m.

Mayor Bellamy said that consideration of the ordinance to annex the Deerfield area will be held on May 25, 2010.

**E. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 67 MOUNTAINBROOK ROAD**

Mayor Bellamy opened the public hearing at 5:20 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of 67 Mountainbrook Road. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) 1 parcel; (b) 4.4 acres; (c) approximately 65 residents; (d) institutional land use; and (e) meets nonresidential urban use test and population density test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:20 p.m.

Mayor Bellamy said that consideration of the ordinance to annex 67 Mountainbrook Road will be held on May 25, 2010.

**F. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 73 AND 75 WATERS ROAD**

Mayor Bellamy opened the public hearing at 5:20 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of 73 and 75 Waters Road. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) portions of 2 parcels; (b) 0.6 acres; (c) 1 dwelling; (d) approximately 2 people; (e) residential land use; and (f) meets population density test, subdivision test, and development test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:21 p.m.

Mayor Bellamy said that consideration of the ordinance to annex 73 and 75 Waters Road will be held on May 25, 2010.

**G. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 26 ROCKING PORCH ROAD**

Mayor Bellamy opened the public hearing at 5:21 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of 26 Rocking Porch Road. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) portions of 1 parcel; (b) less than 0.1 acres; (c) one dwelling; (d) approximately 2 people; (e) residential land use; and (f) meets development text.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:21 p.m.

Mayor Bellamy said that consideration of the ordinance to annex 26 Rocking Porch Road will be held on May 25, 2010.

**H. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 40 KEASLER ROAD AND 23 SUNNYCREST DRIVE**

Mayor Bellamy opened the public hearing at 5:21 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of 40 Keasler Road and 23 Sunnycrest Drive. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) 2 parcels; (b) 1.4 acres; (c) 2 dwellings; (d) approximately 4 people; (e) residential land use; and (f) meets population density test, subdivision test, and development test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax

listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:21 p.m.

Mayor Bellamy said that consideration of the ordinance to annex 40 Keasler Road and 23 Sunnycrest Drive will be held on May 25, 2010.

**I. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 617 UPPER SONDLEY DRIVE**

Mayor Bellamy opened the public hearing at 5:21 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of 617 Upper Sondley Drive. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) 1 parcel; (b) 0.98 acres; (c) 1 dwelling; (d) approximately 2 people; (e) residential land use; and (f) meets subdivision test and development test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:22 p.m.

Mayor Bellamy said that consideration of the ordinance to annex 617 Upper Sondley Drive will be held on May 25, 2010.

**J. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 1445 TUNNEL ROAD**

Mayor Bellamy opened the public hearing at 5:22 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of 1445 Tunnel Road. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area - (a) 1 parcel (b) 1.5 acres; (c) commercial land use; and (d) meets nonresidential urban text.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:22 p.m.

Mayor Bellamy said that consideration of the ordinance to annex 1445 Tunnel Road will be held on May 25, 2010.

**K. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE WILLOW WINDS LANE AREA**

Mayor Bellamy opened the public hearing at 5:22 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of the Willow Winds Lane area. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area – (a) 1 parcel; (b) 12.1 acres; (c) commercial land use; and (d) meets nonresidential urban use test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

When Mayor Bellamy asked for public comment, she received none.

Mayor Bellamy closed the public hearing at 5:22 p.m.

Mayor Bellamy said that consideration of the ordinance to annex the Willow Winds Lane area will be held on May 25, 2010.

**L. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE AIRPORT ROAD AREA (PORTIONS OF SHOPPING CENTER; DEVELOPED PROPERTY ON EDGE OF MUNICIPAL SERVICE AREA, INCLUDING AIRPORT ROAD RIGHT-OF-WAY TO BRIAN BOULEVARD AND COUNTY LINE AS WELL AS PART OF ROCKWOOD ROAD)**

Mayor Bellamy opened the public hearing at 5:22 p.m.

Urban Planner Julia Cogburn said that this is the public hearing to consider the annexation of the Airport Road area. This public hearing was advertised on April 2 and 9, 2010.

She then made a brief presentation concerning the Services Plan for this area – (12) Airport Road area (a) 18 parcels; (b) 122.1 acres; (c) mostly commercial land use; and (d) meets development test.

City Attorney Oast said that the City Clerk is required to perform certain functions under N.C. Gen. Stat. sec. 160A-49 with respect to notification of property owners, investigation of tax listings, filing of plans, delivery of certain information to the Buncombe County Board of Commissioners, etc. In addition, she has notified volunteer fire departments and solid waste haulers in the affected area. City Clerk Burleson and Urban Planner Blake Esselstyn have provided that certification for this area.

Mr. Lou Bisette stated that his firm represents Norma Kushigian who owns two of the proposed annexation parcels on Airport Road. She also owns the parcel Normac Manufacturing is located on which is at the rear second parcel. They propose to leave the front parcel facing Airport Road in the annexation plan but to remove the second parcel out of the annexation plan. In return, his client would waive the requirement that the City construct the new sewer line to the front portion. They would agree that the waiver continue until such time as the owner of the front parcel would request that a sewer line be constructed to that parcel. When that occurs, the City would agree to construct the sewer line and his client would agree to voluntarily annex the rear portion. This proposal will reduce the financial burden on the property owner and will also allow the City to delay the expenditures for the sewer line to the front portion.

In response to Vice-Mayor Newman, City Attorney Oast said that in the future if the City decided to annex the rear portion, they would have to construct the sewer line.

Mayor Bellamy closed the public hearing at 5:28 p.m.

Mayor Bellamy said that in the past Council has had an informal policy not to annex manufacturing sites. City Attorney Oast said that at Council's request, we have not proposed the annexation of any areas that have concentration of manufacturing jobs.

In response to Councilman Bothwell, Mr. Greg Shuler said that if we do not need to construct the new sewer line, we would save approximately \$185,000 out of the General Fund.

Upon inquiry of Vice-Mayor Newman, Ms. Cogburn said that City staff is supportive of this proposal.

Vice-Mayor Newman said that we need to be mindful of the informal policy regarding annexing manufacturing sites. He felt that if we are going to annex properties that have manufacturing on them, it may warrant us having some additional economic development incentive ideas.

City Attorney Oast said that on May 25, staff will bring an amendment to the Annexation Services Plan to Council to reflect this parcel deletion.

Mayor Bellamy said that consideration of the ordinance to annex the Airport Road area will be held on May 25, 2010.

## **V. UNFINISHED BUSINESS:**

### **VI. NEW BUSINESS:**

#### **A. BOARD & COMMISSIONS**

The following candidates applied for a position on the Recreation Board: Will Callaway, Michael Holgate, Nelson Sobel, Jason Gilliland, Joan Walker, Trina Mullen, Todd Dunnuck, Jeremy Gillespie and Mark Strazzer. Out of those candidates, it was the consensus of Council to instruct City Clerk Burleson arrange interview for Will Callaway, Michael Holgate, Todd Dunnuck and Mark Strazzer.

At the request of Mayor Bellamy, it was the consensus of Council to readvertise the vacancy on the Transit Commission for one month to try to reach those members of our community who ride the buses, especially those that ride the use as their only means of transportation.

### **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Mayor Bellamy invited the public to attend the Governor's Logistics Task Force Meeting on May 17, 2010, from 1:00 – 5:00 p.m. in the Civic Center Banquet Hall to hear about transportation and economic needs for Asheville, Buncombe County and all of Western North Carolina.

Mayor Bellamy updated Council on the Streetsafe Task Force and one of the issues regarding the lack of housing for inmates after incarceration. She will ask the Housing & Community Development Committee to review some information and she may ask for an addendum to the Consolidated Strategic Housing & Community Development Plan for 2010-2015.

**VIII. ADJOURNMENT:**

Mayor Bellamy adjourned the meeting at 5:46 p.m.

---

CITY CLERK

---

MAYOR