

Tuesday – April 8, 2014- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Marc W. Hunt; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; Councilwoman Gwen C. Wisler; City Manager Gary W. Jackson; Interim City Attorney Martha Walker-McGlohon; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING APRIL 2014 AS “CHILD ABUSE PREVENTION MONTH”

Mayor Manheimer read the proclamation proclaiming April, 2014, as "Child Abuse Prevention Month" in the City of Asheville. She presented the proclamation to Mr. Bill McGuire, Director/CEO of Child Abuse Prevention Services Inc., who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING APRIL AS “PARKINSON'S DISEASE AWARENESS MONTH”

Councilman Bothwell read the proclamation proclaiming April, 2014, as "Parkinson's Disease Awareness Month" in the City of Asheville. He presented the proclamation to Nancy and Jim Hall, and others, who briefed City Council on some activities taking place during the month.

C. PROCLAMATION PROCLAIMING APRIL 2014 AS “FAIR HOUSING MONTH”

Councilman Smith read the proclamation proclaiming April, 2014, as "Fair Housing Month" in the City of Asheville. He presented the proclamation to Ms. Lucia Daugherty, new Executive Director of the A-B Community Relations Council; Ms. Cassidy Moore, Fair Housing Outreach Coordinator; and Mr. Benjamin T. Many, Attorney with Pisgah Legal Services, who briefed City Council on some activities taking place during the month.

D. PROCLAMATION PROCLAIMING APRIL 6-12, 2014, AS "WEEK OF THE YOUNG CHILD"

Councilman Pelly read the proclamation proclaiming the week of April 6-12, 2014, as "Week of the Young Child" in the City of Asheville. He presented the proclamation to Ms. Amy Barry, Executive Director of Smart Start of Buncombe County, who briefed City Council on some activities taking place during the week.

E. PROCLAMATION PROCLAIMING APRIL 6-12, 2014, AS "NATIONAL VOLUNTEER WEEK"

Councilwoman Wisler read the proclamation proclaiming the week of April 6-12, 2014, as "National Volunteer Week" in the City of Asheville. She presented the proclamation to Mr.

Charles Lee, Hands On staff member, who briefed City Council on some activities taking place during the week.

F. RECOGNITION OF THE SISTER CITY DELEGATION FROM OSOGBO, NIGERIA, AND PROCLAMATION PROCLAIMING APRIL 8, 2014, AS "ASHEVILLE SISTER CITY - OSOGBO, NIGERIA DAY"

Mayor Manheimer and Vice-Mayor Hunt recognized the Sister City delegation from Osogbo, Nigeria, and read the proclamation proclaiming April 8, 2014, as "Asheville Sister City - Osogbo, Nigeria Day" in the City of Asheville. They presented the proclamation to Mr. Russ Martin and the Sister City delegation, who presented gifts to Mayor Manheimer.

II. CONSENT AGENDA:

At the request of Mayor Manheimer, Consent Agenda Item "E" was removed from the Consent Agenda due to a conflict of interest.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 25, 2014

B. RESOLUTION NO. 14-56 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE EARTH DAY ON APRIL 19, 2014

RESOLUTION NO. 14-57 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOOGFEST ON APRIL 25-27, 2014

RESOLUTION NO. 14-58 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER FIVE ON MAY 16, JUNE 20, JULY 18, AUGUST 15 AND SEPTEMBER 19, 2014

RESOLUTION NO. 14-59 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON MAY 31, 2014

RESOLUTION NO. 14-60 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE HALF MARATHON & 10K ON JUNE 7, 2014

RESOLUTION NO. 14-61 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON AUGUST 24, 2014

RESOLUTION NO. 14-62 - RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON SEPTEMBER 20, 2014

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Asheville Earth Day on April 19, 2014; Moogfest on April 25-27, 2014; Downtown After 5 on May 16, June 20, July 18, August 15, and September 19, 2014; the Beer City Festival on May 31, 2014; the Asheville Half Marathon & 10K on June 7, 2014; the Big Love Fest on August 24, 2014; and the Brewgrass Festival at Memorial Stadium on September 20, 2014.

- Wild South has requested through the City of Asheville Office of Economic Development that City Council permit the sale of beer and/or unfortified wine at Asheville Earth Day and at Moogfest and allow for consumption at these events.

Asheville Earth Day will be held on Saturday, April 19, 2014, from 1:00 p.m. – 10:30 p.m. on Lexington Avenue between the intersections of Hiwassee and the I-240 underpass, extending within the metered parking lot located at the I-240 underpass, as per the event area limits referenced on the accompanying site map.

Moogfest will be held on Friday, April 25 from 3:00 p.m. – 10:00 p.m., Saturday, April 26 from 12:00 p.m. – 10:00 p.m., and Sunday, April 27, 2014 from 12:00 p.m. – 6:00 p.m. on Lexington Avenue between the intersections of Hiwassee and Starnes, extending within the metered parking lot located at the I-240 underpass and portion of Cherry Street surface parking, as per the event area limits referenced on the accompanying site map.

- The Asheville Downtown Association has requested through the City of Asheville Office of Economic Development that City Council permit them to serve beer and/or unfortified wine at Downtown After 5 and allow for consumption at this event.

Downtown After 5 will be held on Fridays, May 16, June 20, July 18, August 15 and September 19, 2014 from 5:00 p.m. – 10:00 p.m. on Lexington Avenue between the intersections of Hiwassee and the I-240 underpass, extending within the metered parking lot located at the I-240 underpass, as per the event area limits referenced on the accompanying site map.

- Big Brothers Big Sisters of WNC has requested through the City of Asheville Office of Economic Development that City Council permit them to serve beer and/or unfortified wine at the Beer City Festival and the Brewgrass Festival and allow for consumption at these events.

The Beer City Festival will be held on Saturday, May 31, 2014 from 1:00 p.m. – 7:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

The Brewgrass Festival will be held on Saturday, September 20, 2014 from 12:00 p.m. – 8:00 p.m. within the boundaries of Memorial Stadium including a fenced extension of the premises as per the area limits referenced on the accompanying site map.

- The Asheville Track Club has requested through the City of Asheville Office of Economic Development that City Council permit the sale of beer and/or unfortified wine at the Asheville Half Marathon & 10K post event and allow for consumption at this event.

The Asheville Half Marathon & 10K post event will be held on Saturday, June 7, 2014, from 8:00 a.m. – 1:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green and within the City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

- The Southern Appalachian Highlands Conservancy has requested through the City of Asheville Office of Economic Development that City Council permit the sale of beer and/or unfortified wine at The Big Love Fest and allow for consumption at this event.

The Big Love Fest will be held on Sunday, August 24, 2014, from 12:00 p.m. – 8:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the

intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Wild South, the Asheville Downtown Association, Big Brothers Big Sisters of WNC, the Asheville Track Club, and the Southern Appalachian Highlands Conservancy.

Con:

- Potential for public safety issues

City staff recommends City Council adopt resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at Asheville Earth Day, Moogfest, Downtown After 5, the Beer City Festival, the Brewgrass Festival, the Asheville Half Marathon & 10K, and the Big Love Fest.

RESOLUTION NO. 14-56 - RESOLUTION BOOK NO. 26 - PAGE 111
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C. RESOLUTION NO. 14-63 - RESOLUTION TO REALLOCATE UNSPENT EMERGENCY SOLUTIONS GRANT FUNDS TO HOMEWARD BOUND FOR RAPID REHOUSING

Summary: The consideration of a resolution reallocating \$10,221 of unspent Fiscal Year 2012-13 Emergency Solutions Grant (ESG) funds to Homeward Bound for Rapid Rehousing.

\$10,221 of the Fiscal Year 2012-13 Emergency Solutions Grant funds granted to the City of Asheville was unspent by the September 30, 2013, grant year end. The State of North Carolina is making these funds available to our Continuum of Care with these stipulations:

1. Funds can only be awarded to organizations in our CoC that have a 2013-14 contract for NC ESG funds, either through a direct contract with the State or through a fiscal sponsor.
2. Funds can be spent only on rapid re-housing activities.
3. Organizations must be able to spend the reallocated funds by June 30, 2014

These unspent funds came from a combination the Asheville-Buncombe Community Christian Ministries allocation for Rapid Rehousing and the City of Asheville's HMIS allocation. Homeward Bound of WNC was the only other agency contracted for Rapid Rehousing funds in Fiscal Year 2012-13 and spent down their allocation by September 30, 2013. It is recommended that the full \$10,221 be re-allocated to Homeward Bound of WNC for Rapid Rehousing.

Pro:

- Existing Rapid Rehousing funds have all been projected out through the end of the ESG grant year, September 30, 2014. This re-allocation allows for at least 7 additional households to be served.

Con:

- None

The proposed activity is a reallocation of funds already awarded. The purpose for which the funds were originally allocated will be met through a different funding source. No general funds are required to meet the original allocation purpose.

City staff recommends City Council accept the Housing and Community Development Committee recommendation for re-allocating the \$10,221 Fiscal Year 2012-13 balance of Emergency Solutions Grant funds to Homeward Bound for Rapid Rehousing.

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D. RESOLUTION NO. 14-64 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PRIVATE DONATIONS FROM THE COMMUNITY FOUNDATION OF WESTERN NORTH CAROLINA INC. FOR THE ASHEVILLE POLICE DEPARTMENT

ORDINANCE NO. 4299 - BUDGET AMENDMENT TO ACCEPT DONATIONS FROM THE COMMUNITY FOUNDATION OF WESTERN NORTH CAROLINA INC.

Summary: The consideration of (1) a resolution authorizing the City Manager to accept funds donated by The Community Foundation of Western North Carolina, Inc.; and (2) a budget amendment in the amount of \$215 to appropriate these funds into the City's Special Revenue Fund budget.

The Asheville Police Department (APD) Public Housing Unit applied and received a grant through the Rotary Club of Asheville to establish the "Shop with a Cop" project. The grant was awarded and the Department has received \$215 in funds. In order for APD to be able to spend these funds, Council must first approve a budget amendment authorizing use of those funds in the City's Special Revenue fund. The APD has requested that these funds be applied to the APD Private Donations project account to assist with the "Shop with a Cop" project. The APD wishes to acknowledge the generosity, and express gratitude for this support of the Asheville Police Department by the Rotary Club of Asheville.

Pros:

- Acceptance of gift from The Community Foundation of Western North Carolina, Inc.
- Support of the APD "Shop with a Cop" project
- Enhanced community outreach opportunities

Con:

- None

Appropriating these donations in the Special Revenue Fund has no fiscal impact on the City's General Fund Budget.

City staff recommends City Council approve: (1) a resolution authorizing the City Manager to accept funds donated by the aforementioned organization; and (2) a budget amendment in the amount of \$215.00 to appropriate these funds into the City's Special Revenue Fund budget.

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ORDINANCE BOOK NO. 29 - PAGE 27**

E. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE INSTRUMENTS TO ABANDON A WATERLINE AND EASEMENT LOCATED AT WEST EUCLID PARKWAY AND ST. CHARLES

PLACE, ASHEVILLE, N.C.

This matter was removed from the Consent Agenda due to a conflict of interest by Mayor Manheimer.

F. ORDINANCE NO. 4300 - BUDGET AMENDMENT FOR THE U.S. CELLULAR CENTER

Summary: The consideration of a budget amendment, in the amount of \$430,000 from US Cellular Center Operating Revenue, to increase the US Cellular Center Fund budget to reflect updated Fiscal Year 2013-14 revenue and expenditure projections.

The US Cellular Center event load in FY 2013-14 has been higher than initially forecasted during last year's budget process. Both revenues and expenses are now on pace to exceed budget. In order to fund anticipated expenses over the last quarter of the current fiscal year, staff is recommending that the US Cellular Center Fund budget be increased by \$430,000.

It is anticipated that revenue generated by concessions & show revenues will cover all of the cost of the budget amendment; therefore, no additional transfer from the General Fund is required at this time. The US Cellular Center has several events scheduled before June 30 that should generate significant revenues.

This amendment has been presented to the US Cellular Center Commission and recommended to City Council.

Pro:

- Provides sufficient budget authorization for anticipated expenditures in the US Cellular Center Fund without increasing the General Fund transfer.

Con:

- There is a slight chance that year-end revenues could fall short of current estimates if ticket sales are less than expected or concession revenues are lower.

As noted above, this budget amendment is funded with US Cellular Center operating revenues that will likely exceed original budget estimates. Therefore, there is no expected impact to the City's General Fund budget.

US Cellular Center staff and Commission recommend City Council approve a budget amendment to increase the US Cellular Center Fund budget by \$430,000 to reflect updated Fiscal Year 2013-14 revenue and expenditure projections.

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G. RESOLUTION NO. 14-66 - RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE TO INCLUDE THE BUDGET CALENDAR

Summary: The Asheville City Council hereby adopts the following budget calendar: (1) Budget worksession for policy direction on the operating budget on Tuesday, April 22, 2014, beginning at 3:00 p.m. in the 1st Floor North Conference Room in City Hall, located at 70 Court Plaza, Asheville, N.C.; (2) Budget worksession for policy direction on the Capital Improvement Plan budget on Tuesday, May 13, 2014, beginning at 3:00 p.m. in the 1st Floor North Conference Room in City Hall, located at 70 Court Plaza, Asheville, N.C.; (3) May 27, 2014 - Budget Presentation of the Fiscal Year 2014-15 Annual Operating Budget; and motion setting a public hearing on June 10, 2014 - Council Chamber in City Hall; (4) June 10, 2014 - Public hearing on the Fiscal Year 2014-15 Annual Operating Budget - Council Chamber in City Hall; and (5) June 24, 2014 - Adoption of the Fiscal Year 2014-15 Annual Operating Budget - Council Chamber in City Hall.

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H. RESOLUTION NO. 14-67 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY PROPERTY AT 550 NEW AIRPORT ROAD TO THE N.C. DEPT. OF TRANSPORTATION FOR RIGHT-OF-WAY PURPOSES

Summary: The consideration of a resolution authorizing the City Manager to convey 0.249 acres of real property located 550 New Airport Road to the N.C. Dept. of Transportation.

The City of Asheville owns approximately 10.37 acres of real property located at 550 New Airport Road. The parcel is subject to a ground lease by Fletcher Hospitality, LLC for the operation of the Clarion Inn. The main entrance to this property is off of New Airport Road (NC 280). The entire western boundary of the City's property exists alongside the NCDOT right-of-way for Interstate 26, at an interstate interchange and on ramp.

NCDOT has plans to retrofit the existing interchange at this location to a diverging diamond configuration in order to improve vehicular safety and traffic flow on and off Exit 40. Overall, the project provides much needed traffic improvements for this section of New Airport Road. The planned improvements, specifically a concrete median separating the travel lanes along the frontage of the City's property, will limit the utility of the main entrance at the Clarion Inn to a "right-in/ right-out" only. Per the plans, in order to make a left turn into the Clarion Inn property, a U-turn is necessary at the Rockwood Road Intersection. NCDOT plans to construct a bulb-out at the edge of the roadway in order to accommodate vehicles making this U-turn. Apart from NCDOT's plans, the City is seeking to mitigate the impacts of this ingress / egress issue by acquiring a secondary access point to the Clarion Inn property from Rockwood Road.

This NCDOT project, known as Project# I-5501, is currently in the Right-of-way acquisition phase and is set to begin construction this summer. At this time, NCDOT has requested to purchase approximately 0.249 acres of the city-owned property at 550 New Airport Road as right-of-way for this project. NCDOT has offered to pay \$180,000 for the needed right-of-way. This purchase price is supported by two independent MAI appraisals.

Pros:

- The sale of 0.249 acres of property will support NCDOT's plans to retrofit an existing interchange and promote traffic efficiency and safety.
- The Conveyance of Real Property is at fair market value.

Con:

- Limits ingress/egress into City-owned property.

The proceeds of the sale of property will benefit the General Fund and will be designated for future economic and community development projects.

Economic Development staff recommends adoption of the resolution to convey 0.249 acres of real property at 550 New Airport Road to the N.C. Dept. of Transportation.

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

Mayor Manheimer 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 Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

E. RESOLUTION NO. 14-65 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE INSTRUMENTS TO ABANDON A WATERLINE AND EASEMENT LOCATED AT WEST EUCLID PARKWAY AND ST. CHARLES PLACE, ASHEVILLE, N.C.

Vice-Mayor Hunt moved to rescues Mayor Manheimer from participating in this matter due to a conflict of interest. This motion was seconded by Councilman Hunt and carried unanimously.

Summary: The consideration of a resolution authorizing the City Manager to execute appropriate instruments to abandon a waterline and easement located at West Euclid Parkway and St. Charles Place, Asheville, N.C.

In 2010, a subdivision for the property of Frank W. Hall Jr., was recorded in the Buncombe County Register of Deeds Office in Deed Book 153/74, which plat depicts a waterline and easement crossing parcels 90 and 91. The parcels being serviced by the aforementioned waterline were subsequently transferred to other lines, resulting in the abandonment of the waterline. By letter dated April 21, 2011, the City determined that the waterline and easement were no longer needed by the City and had been abandoned.

The property owner desires for the City to officially abandon the waterline and easement for which the City is receptive as the City does not anticipated any future need for the waterline and easement.

Pro:

- Removes burden on private property to promote private investment

Con:

- None

City staff recommends City Council approve the resolution authorizing the City Manager to execute appropriate instruments to abandon a waterline and easement located at West Euclid Parkway and St. Charles Place, Asheville, NC.

Vice-Mayor Hunt moved for the adoption of Resolution No. 14-65. This motion was seconded by Councilman Pelly and carried unanimously (with Mayor Manheimer being recused).

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III. PRESENTATIONS & REPORTS:

A. UPDATE ON SENATE BILL 74 - REGULATORY REFORM ACT

Ms. Erin Wynia, Legislative & Regulatory Issues Manager for the the N.C. League of Municipalities, provided City Council with an overview regarding the local government environment ordinances - Senate Bill 74 - Regulatory Reform Act.

Mr. Wynia responded to questions/comments raised by Council.

On behalf of City Council, Mayor Manheimer thanked Ms. Wynia for helping City Council understand this complex Bill.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A SIGN PACKAGE FOR THE ASHEVILLE OUTLETS LOCATED AT 800 BREVARD ROAD

At the petitioner's request, Councilman Davis moved to continue this public hearing until April 22, 2014. This motion was seconded by Vice-Mayor Hunt and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 14-68 - RESOLUTION ADOPTING THE HOUSING TRUST FUND RECOMMENDATION TO FUND BIOTAT LLC FOR THE OAK HILL COMMONS PROJECT

Director of Community Development Jeff Staudinger said that this is the consideration of a resolution adopting the Housing Trust Fund recommendation to fund Biotat LLC for Oak Hill Commons Project in the amount of \$58,106.

Mr. W. Ward Griffin, Member Manager of Biotat, LLC, proposes a 30-unit affordable housing development project specifically targeting the hard to house, primarily for chronically homeless individuals who have failed to succeed in other affordable housing environments and who are in need of specialized support services. The project is proposed to occupy a portion of a vacant 3.71-acre site in West Asheville located off of New Leicester Highway, near the intersection of Patton Avenue.

The proposed development is modeled after the successful Moore House project in Charlotte, North Carolina.

The project is supported by the Homeless Initiative Advisory Committee as the last necessary step to ending chronic homelessness in Asheville and Buncombe County, in alignment with the Ten Year Plan to End Homelessness. Its Hardest-to-House subcommittee worked with Mr. Griffin on the design of the project, including the assessment of market, the role of partners such as Mission Hospital and Homeward Bound, and the availability of rental subsidies for eligible residents. Homeward Bound will provide supportive services including individual case management services. Mission's representative to the committee has proposed an on-site clinic.

The developer and community partners are now actively seeking both the necessary development financing and the commitment of operational funds to make this project a reality.

Biotat, LLC (the project developer) has secured the project site through a purchase contract, and the Asheville Regional Housing Consortium is recommending the award of a \$75,000 federal HOME loan for the project. On March 18, 2014, the Housing and Community Development Committee recommended the award of a \$58,106. HTF loan for the Oak Hill Commons project.

Pros:

- The project follows national best practices in its development and operational design for housing those deemed hardest-to-house;
- The development is seen as the next necessary step to ending chronic homelessness in Asheville and Buncombe County;

- The development site is within ¼ mile of jobs, services, groceries, and transit; and is under developer control via a purchase contract;
- Site has capacity to add more units to complement proposed project;
- The proposed loan is an efficient use of Housing Trust Funds.

Con:

- Additional public and private financing commitments will be necessary for the project to move towards construction. These include additional development financing, as well as firm commitments for supportive services necessary for project success.

The proposed Housing Trust Fund support is within the budgeted amount for this fiscal year.

The Housing and Community Development Committee recommends City Council approve a resolution authorizing the following loan subject to the developer meeting all program requirements for loan closing: Oak Hill Commons, Biotat, LLC: \$58,106 HTF loan with a 20-Year Term, 2% Interest Only, Deferred Principal Payment.

When Mayor Manheimer asked for public comments, none were received.

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

Councilman Smith moved for the adoption of Resolution No. 14-68. This motion was seconded by Councilman Bothwell and carried unanimously.

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B. ORDINANCE NO. 4301 - ORDINANCE ADOPTING THE 2014-15 FEES & CHARGES MANUAL

Budget Director Tony McDowell said that this is the consideration of an ordinance adopting the Fiscal Year 2014-15 Fees & Charges Manual.

The major types of revenue available to North Carolina counties and municipalities are local taxes (including property taxes); local fees, charges and assessments; and intergovernmental and miscellaneous revenue. Local governments have increasingly looked for appropriate opportunities to implement local fees and charges because they have the advantage of aligning service provision directly with payment; therefore, the person or entity receiving the benefit of a service pays for the service. In Asheville, these fees make up about 10% of the City's General Fund revenue and 36% of city-wide revenue. These fees generally fall into three major categories: general user fees and charges; regulatory fees, and; public enterprise fees and charges.

Proposed FY 2014-15 Fee Changes:

1. *Minor Changes in Most Funds.* Staff is recommending minor changes to fees in several funds, including the General Fund. The total additional revenue generated from the changes in each fund is summarized below.

Fund	Additional Revenue
General Fund	\$78,000
Transit Services Fund	\$50,000
US Cellular Center Fund	\$38,500
Parking Services Fund	\$8,600

2. *Continue Planned Annual Water Adjustments.* Based on the financial analysis completed last fiscal year, staff is proposing the following rate adjustments in the Water Resources Fund.

- Single Family, Multi-Family, Small Commercial/Manufacturer: 1.5% increase
- Large Commercial/Manufacturer (>1,000 CCF/month): 3.5% increase
- Wholesale & Irrigation: 4.0% increase

These changes will produce approximately \$458,000 in additional revenue in the Water Resources Fund.

The proposed FY 2014-15 fee adjustments were reviewed by the City Council Finance Committee on March 25, 2014. The Finance Committee had additional questions about some of the proposed Parks and Recreation fee adjustments that were presented on March 25. Staff is currently preparing a response to those questions, so those fee adjustments are not included in this fee package. The Finance Committee also heard a staff presentation on March 25 related to proposed fee adjustments in the Stormwater program. The Stormwater fee adjustments will be discussed at a future Council budget worksession and are therefore not included in the fee package under consideration tonight.

Pros:

- Provides additional revenue to help balance the FY 2014-15 budget.
- Provides staff with time to begin communicating fee changes to citizens, customers and stakeholders so they are aware of changes that will be implemented on July 1.

Con:

- None.

The fiscal impact of the proposed fee changes is outlined in the information above.

Staff recommends that Council adopt the proposed FY 2014-15 fee proposals.

There was a brief discussion, initiated by Councilman Davis, about the water rate increase which is in line with the schedule the consultants had recommended, and Council approved, two years ago. City Council determined that it would be better to gradually increase the fees each year instead of having a large increase every 10 years. The increase on water rates for the average homeowner is approximately \$3.00 per year, noting that the water utility is a break even deal - that the City does not make money on water.

Councilman Smith noted that we have an excellent water system and this will allow us to maintain the quality of the system.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman Bothwell moved for the adoption of Ordinance No. 4301. This motion was seconded by Councilman Pelly and carried unanimously.

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C. CODE FOR AMERICA FELLOWSHIP UPDATE

Chief Information Officer Jonathan Feldman said that this is a report to share staff-level exploration of a Code for America (CfA) Fellowship opportunity and seek concurrence regarding further exploration.

The Code for America Fellowship program matches cities with high-performing individuals who have given a year to civic service. The program's outcomes are listed in the organization's annual report (2013.codeforamerica.org), and generally seek to make government more efficient and beneficial through a mix of community collaboration and technology.

CfA uses a lightweight, "agile" form of project management and appraisal that emphasizes early and continuing evaluation prior to commitment. The Code for America Fellowship application is a mutual evaluation tool that allows both the City organization as well as Code for America to determine if a Fellowship is in both parties' interest, prior to any contract being executed with the City of Asheville.

Depending upon the project mutually chosen, this action would comply with the City Council Strategic Operating Plan. Staff plans on exploring projects with CfA that would substantially improve development services and/or economic development. Staff would only recommend going forward if the project substantially impacted City Council SOP goals such as the Economic Growth and Financial Sustainability focus area's goals regarding downtown vitality and job growth. Staff would vet the proposal with stakeholders (e.g. development services community) and would propose a funding source commensurate with the area of benefit (e.g. existing permit fees).

Pro:

- Allows city staff to explore the opportunity without making significant commitments of staff time or funding

Con:

- Because the process is called an "application," misunderstanding about the current level of commitment among citizens or other stakeholders could occur.

The cost of the program for the typical city is \$220,000, with the balance of the funding being raised through community partners. However, there is no fiscal impact at this time, and staff would strongly suggest to Code For America that Asheville's commitment be at a significantly different level than that of Boston or San Francisco. Once initial exploration is complete, if staff was to recommend moving forward, staff would bring a funding request to City Council.

City staff recommends exploration of a Code for America Fellowship opportunity and the findings be brought back to City Council prior to any commitment being made.

D. BOARDS & COMMISSIONS

Regarding the Homeless Initiative Advisory Committee (HIAC), the following individuals have applied for the vacancy: Sabrah n'haRaven, Matthew Shepley, Allison Bond, Heather Smith, Carrie Pettler and Kristi Case. The HIAC recommended appointing Sabrah n'haRaven. It was the consensus of City Council to interview Sabrah n'haRaven and Heather Smith.

Regarding the Asheville-Buncombe Community Relations Council (CRC), the following individuals applied for the vacancy: Sandra Houts, Brandee Boggs and Fyffe Aschenbrenner. Councilman Smith, liaison to the CRC, said that the CRC will be holding a recruitment event and requested an additional one month delay. It was the consensus of Council to delay the appointment for one month.

RESOLUTION NO. 14-69 - RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Marc Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee.

Grant Osborne (south representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until July 1, 2014.

The following individuals applied for the vacancy: Buck Bragg and Bill Galbraith.

It was the consensus of the Boards & Commissions Committee to appoint Bill Galbraith.

Councilwoman Wisler moved to appoint Bill Galbraith to the Citizens-Police Advisory Committee (south representative) to serve the unexpired term of Mr. Osborne, term to expire July 1, 2014, and then a full three-year term, term to expire July 1, 2017, or until his successor has been appointed. This motion was seconded by Councilman Pelly and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Timothy Sadler felt we should use local vendors for snacks in meetings.

Rev. Christopher Chiaronmonte spoke the rights of unborn children.

Ms. Louise Heath and Ms. Marty Grist spoke about the danger of use of Round Up/Agent Orange on Asheville School and park lawns. Councilman Bothwell recalled a memorandum from City staff at the Sustainability Advisory Committee on Energy & the Environment Committee regarding this subject and it was the consensus of Council to have the City Manager provide that memorandum to Council.

Mr. Paul Berry, Mr. Lafayette Prescott, and Ms. Robbie Coleman, representing Asheville Voice for Animals, provided City Council with information regarding misuse and improper handling of elephants by Ringling Brothers. They urged Council to seek a ban on exotic animals by the circus. Mayor Manheimer thanked them for bringing this matter to their attention and noted City Council would review the matter. She asked City Manager Jackson to provide information on whether City Council has authority on who uses the US Cellular Center as a venue, and how other cities have moved in this direction, noting that any ban should be a community decision. Councilman Bothwell would support a ban on animal acts, and noted that since the City has a policy about no weapons on City property, the gun show at the U.S. Cellular Center moved from that venue. City Manager Jackson said that he would provide City Council with information and then seek their direction.

Closed Session

At 6:54 p.m., Councilwoman Wisler moved to go into closed session for the following reasons: (1) 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(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) 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 a lawsuit involving the following parties: State of North Carolina, City of Asheville, and Metropolitan Sewerage District of Buncombe County. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 7:53 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:53 p.m.

CITY CLERK

MAYOR