

Tuesday - February 20, 1996 - 2:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CLOSED SESSION

At 2:05 p.m., Councilman Worley moved to go into closed session to (1) discuss matters relating to the location or expansion of industries or other businesses in the area, as authorized by G.S. 143-318.11 (a) (4); and (2) consult with the City Attorney in order to preserve the attorney-client privilege in the pending legal action involving N.C. Dept. of Transportation and the City, as authorized by G.S. 143-318.11 (a) (3). This motion was seconded by Vice-Mayor Field and carried unanimously.

At 2:45 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Vice-Mayor Field and carried unanimously.

ARTS ALLIANCE MID-YEAR REPORT

Ms. Linda Wilkerson, Executive Director of the Arts Alliance, passed out their mid-year report and briefed City Council on their activities. She gave many examples of how the Arts Alliance serves as a primary resource for community residents, businesses, agencies, and visitors for information on nonprofit administration, fund raising, promotion, grant writing, employment opportunities, cultural agencies and arts available, and general information on the City of Asheville.

Councilman Worley stated that a successful arts community is a major economic development attraction and the Arts Alliance enhances our entire community.

DOWNTOWN COMMISSION REPORT

Mr. Brady Blackburn, Chairman of the Business District Coalition, passed out to Council a resolution adopted by the Business Coalition District on January 18, 1996, concerning the future of the Business District Coalition. He said the recommended changes in the City Development Office will effect the future of the Downtown Commission, the Business District Commission and the economic development focus of the Planning & Development Department. The Business District Coalition believes that it is necessary to continue a strong commitment to redevelopment and further revitalization of the Asheville's established district. Therefore, the Coalition requests that the City Council recognize them as an official City Council appointed body and that the Coalition be formed consisting of the following members: Asheville Downtown Association, the Biltmore Village Merchants Association, the Chamber of Commerce - small business representative, Council of Asheville Neighborhoods, Eagle/Market Streets Development Corporation, RiverLink, West Asheville Business Association; Appointments from the City of Asheville; Appointments from Buncombe County; and any other retail/merchant organization interested in participating.

Mr. Blackburn, Chairman of the Asheville Downtown Commission, then passed out another resolution adopted by the Asheville Downtown Commission on February 9, 1996, concerning the future of the Downtown Commission and the Division Head for the City Development Office. He said the Commission also believes that it is necessary to continue a strong commitment to redevelopment and further revitalization of the downtown while also expanding the redevelopment efforts to other old business districts of the City. Therefore, the Commission requests that the Downtown Commission remains intact as a City Council appointed body, that there be a new Commission formed consisting of the existing members of the Business District Coalition plus the addition of members representing Advantage West, Asheville Merchants Association, and the Chamber of Commerce, and that the position of Division Head of the City Development Office be filled by a facilitator/downtown development type person as opposed to a person with more tradition economic development/industry recruitment background.

Councilman Worley felt that this new Coalition can work on all various economic development factors in the City. He felt that there is a clear need for strong coordination and cooperation from amongst these groups to do an effective economic development job in the City.

Vice-Mayor Field strongly supported the recognition of the Business District Coalition; however, City Council should be aware that the make-up they are suggesting for the Coalition is much like the make-up of the Minority Business Commission. Regarding the Minority Business Commission, City Council appoints organizations and they choose who they want to represent their organization. She felt City Council may not have diversity of perhaps City residents, women, minorities, etc. on that Coalition. She supported the Downtown Commission resolution as presented by Mr. Blackburn.

Mr. Blackburn said that the Coalition would also consist of City and County appointments and that should alleviate some of Vice-Mayor Field's concerns. He also said that the Chairman of the Downtown Commission would be a member on the Coalition.

Upon inquiry of Councilman Hay on what the relationship between the Coalition and the Downtown Commission was, Councilman Worley said that even though these were two separate commissions, recommendations coming out of the Downtown Commission would be coordinated through the Business District Coalition so that City Council would not be receiving conflicting requests.

Councilman Cloninger thanked Mr. Blackburn for his outstanding leadership on the Downtown Commission and on the Business District Coalition.

Councilman Skalski felt a mission of the Coalition should be to represent the small businessman. Mr. Blackburn responded that he hoped the organizations which will make up the Coalition will provide that representation.

Vice-Mayor Field felt it was very important to keep the Downtown Commission intact while continuing to recognize the uniqueness of downtown and how the downtown may have some specific needs that the Commission can address and, at the same time, recognizing that we need some kind of economic development commission.

Mayor Martin thanked Mr. Blackburn for bringing this information to the Council.

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BICENTENNIAL COMMITTEE REPORT

Mr. Richard Nantelle, Chairman of the informal Bicentennial Committee, and Mr. Harry Weiss, Vice-Chair, said that the City of Asheville will celebrate its 200th anniversary in 1997. This committee has been organized to coordinate events as well as promote the City's heritage during the bicentennial year. The committee has established six goals for the bicentennial: (1) Reacquaint Asheville residents with their cultural heritage; (2) Involve all Asheville neighborhoods in the celebration; (3) Create a map of historic sites, events and bicentennial opportunities; (4) Publish a bicentennial cultural calendar of events; (5) Establish a legacy program; and (6) Develop a vision project; the future through the past. In addition, the committee has come up with numerous event ideas including: (1) A. Douglas Ellington architectural exhibition; (2) lecture series; (3) Asheville film series; (4) bicentennial moments on radio and television; (5) "A Slice of History" children's program; (6) History Comes Alive; (7) children's float parade (Bele Chere); and (8) an updated City/County architectural survey.

Upon inquiry of Vice-Mayor Field about the committee members, Mr. Weiss explained that the committee at this point is only in the brainstorming mode and participation on the committee will be expanded and will be very community oriented.

Mayor Martin, on behalf of the Council, expressed his appreciation to the Committee and looked forward to being kept involved in this very important event for Asheville.

It was the consensus of Council to proceed with appropriate action at the next formal meeting to establish the Asheville Bicentennial Committee.

FIRE LANE PARKING VIOLATION FEE

Ms. Deborah Crowder, Revenue Manager, said that an amendment needs to be considered by City Council which would make all fire lane violation fees uniform. The City of Asheville currently has three fee amounts for fire lane violations. The Police Department issues fire lane violations in the amount of \$25. Enforcement staff of Parking Service issues fire lane violations in the amount of \$10 by authority set forth in Sections 19-14 and 19-137 of the City Code. The Fire Department issues a fire lane violation in the amount of \$35 as set forth in the Fire Code adopted in July of 1995.

It is staff's recommendation to amend Appendix B of the City Code to include a \$35 penalty for parking in a fire lane. This recommendation has been reviewed by the Police Department, Fire Department, City Attorney's Office and the Finance Department.

It was the consensus of Council to proceed with appropriate action at the next formal meeting.

DEED WITH STATE FOR LAND ADJACENT TO WNC AGRICULTURAL CENTER

City Attorney Slawter said that the N.C. Dept. of Agriculture has, for some time, expressed interest in acquiring from the City a tract of approximately 15.65 acres located adjacent to the Agricultural Center. On March 30, 1993, the City Council adopted Resolution No. 93-44 authorizing the Mayor to sign an option for conveyance of 8.2 acres of the tract to the State for \$225,500 (\$27,500 per acre). The actual survey reflects 8.31 acres and a resulting purchase price of \$228,525. The remainder of the 15.65 acres has been condemned by the N.C. Dept. of

Agriculture and the City is being separately compensated for that property.

This property was purchased jointly by the City and the Federal Aviation Administration on a 50/50 basis. The FAA grant agreement requires that the proceeds of the sale be split 50/50 with the City being allowed to retain one-half of the proceeds and the remaining one-half of the proceeds being required to be put into an airport project at the Asheville Regional Airport.

This resolution authorizes the conveyance to the State of North Carolina of 8.31 acres adjacent to the WNC Agricultural Center for a purchase price of \$228,525.

It was the consensus of Council to proceed with appropriate action at the next formal meeting.

CONSENT:

Budget amendment to fund Recycling Program

Summary: Up through June 30, 1995, the County had provided two recycling drop centers inside the City as part of the County's recycling program. Effective July 1, 1995, the County arranged their recycling program to include separation of recyclables at the source and collection taking place at the regular scheduled collection point. With these changes by the County, the City was left without a recycling program. In order to continue a recycling program for City residents, arrangements were made with ABC Recycling to continue collection of recyclables at the drop centers and to provide two additional drop centers in the City. ABC Recycling maintains the drop centers, keeps the drop centers clean, collects the recyclables as necessary, and sells the recyclables, with the City receiving 100% of the recyclable sales. Up through November of 1995, the monthly fee from ABC Recycling has averaged \$8,632.78. Receipts from recyclable material sales has averaged \$1,119.89 to the City per month for this same period. Funds to pay ABC Recycling have been taken from the Sanitation Division's budget but need to be replaced to insure sufficient funds for the remainder of the budget year for operating purposes. Sufficient funds to cover payments to ABC Recycling also need to be budgeted for the remainder of the year.

Public Works and Audit/Budget staff recommend that a budget amendment, in the amount of \$105,000 to cover the cost of the City's Recycling Program.

Budget amendment to appropriate additional Fair Housing Assistance Program grant funds

Summary: On April 28, 1987, the City of Asheville was recognized by HUD as having a fair housing enforcement program which is substantially equivalent to that of the Federal Fair Housing Act. The City has been carrying out its fair housing program under contract with the A-B Community Relations Council and the Fair Housing Commission since 1988. In September 1995 the City received funding approval from HUD of \$16,700 for the current Fair Housing Assistance Program. On January 29, 1996, the City was notified that an additional \$25,940 will be received for the Fair Housing Assistance Program for the 9th year funding. The total funding for this program for the 9th year will now be \$42,640.

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Budget amendment for the Asheville-Buncombe Arson Task Force Vehicle

Summary: City Council has previously established an appropriation of \$5,000 as the City's share of the cost of a vehicle for the Arson Task Force. The Task

Force has requested that the City purchase said vehicle at a cost not to exceed \$44,000. The Task Force will reimburse the City for the total amount of \$5,000. The City will serve as title-holder of the vehicle on behalf of the A-B Arson Task Force, and, share with Buncombe County the cost of insuring and maintaining the vehicle on behalf of the Task Force pursuant to the provisions of the joint exercise of power agreement that created the Task Force.

This action will establish a capital outlay appropriation for this vehicle and bids, when received, will be submitted to City Council for approval.

Budget amendment for transit funding

Summary: This budget amendment restores the City's funding of the Transit Authority from \$794,180, as approved by City Council in June 1995, to the 1993 target level of funding of \$813,485 - an increase of \$19,305. This entitles the City to receive State Transit Maintenance Funds in the amount of \$177,820. These funds are transferred to the Federal Projects Fund - Bus Transfer Facility Project to fund land acquisition, professional services, and demolition costs.

Contract to audit City accounts

Summary: G.S. 159-34 requires that local governments of N.C. to have their accounts audited each fiscal year and submit a copy of the audit to the Local Government Commission.

In 1993 the local audit firm of Crisp Hughes & Co. won the bid for the City's audit with the option, dependent upon the quality of service, to be re-engaged annually for a period of three to five years. They performed the FY '93, FY '94 and the FY '95 audits and have now submitted an engagement letter for the FY '96 audit. The FY '96 audit fee has been estimated at, and limited to, \$50,000. Funds are appropriated in the budget of the Accounting Division of the Finance Department.

Staff recommends reappointment of the audit firm Crisp Hughes & Co., L.L.P.

Reassignment of the state loan for a regional water transmission main

Summary: Bond counsel has recommended that it would be beneficial to the issuance of the \$33 Million revenue bonds (for the Regional Water Resources Improvements Program) if a \$3 Million State Loan awarded to the A-B Water Authority ("Authority") was reassigned to the City of Asheville.

In September of 1994, the Authority authorized staff to apply for a N.C. Clean Water Bond Loan to assist in financing a regional water transmission main that will serve the existing and future water supply needs of the region. In February of 1995, the Local Government Commission ("Commission") formally announced the award of a N.C. Clean Water Bond Loan to the Authority in the amount of \$3 Million. The interest rate for this loan is 5.3%. Since the regional transmission main is an integral part of the Regional water Resources Improvements

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Program, it is in the best interest of the City of Asheville to accept the loan rather than the Authority. The Commission concurs with reassignment of the loan.

Intent to close unnamed alley in between Atkins Avenue and Hendersonville Road

Summary: This action will be to set a public hearing on March 26, 1996.

Fire Code Amendments

Summary: In the course of its approval of the Asheville Fire Code, the N.C. State Building Code Council has asked that Asheville adopt the 1996 State Fire Code and make other technical amendments to the Asheville Fire Code.

On July 25, 1995, the City Council adopted a more streamlined fire code that incorporated provisions from Asheville's original fire code and the State Fire Code into one document. At the time of City Council's action, the State Fire Code in effect was the 1994 edition.

As part of the local fire code process in N.C., the N.C. State Building Code Council (through its Fire Code Committee) reviews fire codes like Asheville's. Asheville's fire code has undergone this review, and the State Building Code Council has asked that Asheville make amendments to Asheville's fire code, including: (1) formal adoption of the 1996 State Fire Code, which went into effect on January 1, 1996; (2) deletions and amendments to standards and definitions, including deletions and amendments that will make Asheville's fire code consistent with the 1996 edition of the State Fire Code; (3) technical and non-substantive amendments that will align Asheville's fire code with the 1996 edition of the State Fire Code; and (4) technical amendments to Chapter 4 (explosive permits), Chapter 17 (liquefied propane gas) and Appendix G (smoke detectors in rental property).

These amendments do not generally interfere with the integrity of the Asheville fire code. The amendments on regulation of smoke detectors in rental property are considerably less stringent than those that have been part of Asheville's fire code since the 1980's; however, recent changes in state law compel these amendments.

It was the consensus of Council to take appropriate actions at the next formal Council meeting.

INTEREST IN TOUR OF CITY FACILITIES

Assistant City Manager Spell, said that staff is interested in planning a Council tour of City facilities if the City Council is interested and feels that it would be beneficial. The tour could begin at 12:00 noon and include a pre-arranged lunch at one of the City facilities for the Council and staff attendees. The tour would likely take approximately five (5) hours including lunch. The City would arrange to have transportation for the tour of facilities.

If members of the City Council are interested in a tour of City facilities, staff has prepared a list of facilities and requests City Council choose five facilities which they would most prefer to visit and tour. From the information received from interested members of Council and the desired locations to be visited, staff will then select the most popular locations and arrange an agenda to be presented prior to the

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tour of City facilities. Also, staff will evaluate the locations, time necessary to travel to the facilities, and time to tour each location.

After the list of sites is finalized and the interested Council members identified, staff will begin working with Council members to designate an afternoon in March or April, 1996, to arrange the tour of the City facilities.

Possible City facilities include: the North Fork Water Treatment Facility; Stephens-Lee Community Center; French Broad River Park (off Amboy Road); Civic Center; Public Works/Building Safety Facility; Police/Fire Municipal Building; Fleet Management Facility; Water Maintenance Facility; Central Asheville Resource Center (Montford area); City Development Office; Downtown Parking Garage; Fire Station #2 (315 Livingston Street); and the Asheville Regional Airport.

It was the consensus of Council to tour the facilities, once the sites are identified, on Tuesday, April 30, 1996, after lunch. The tour will end with dinner. Council will then proceed to their community meeting in the Oakley Community Center at 7:00 p.m.

DOWNTOWN COMMISSION VACANCY

It was the consensus of Council to postpone action on this vacancy until the quarterly appointments are initiated in April of 1996.

LEGISLATIVE ISSUES

City Manager Westbrook said that this item will conclude the items left to be discussed from the City Council Annual Retreat.

City Attorney Slawter said that the 1996 legislative session convenes on May 13, 1996, and is scheduled to adjourn on June 21, 1996. The deadline for submitting local bills to legislative drafting is May 22, 1996, and the deadline for introduction of local bills in either chamber is May 29, 1996.

He then summarized the City's 1995 legislative program stating that the following three issues were approved: (1) authorization for use of "Denver Boot"; (2) authorization for a process, to be used in connection with the demolition of dilapidated structures, whereby notice is given only once to owners and other parties in interest; and (3) same authority as other cities have to collect their own ad valorem taxes (instead of being required to have the county collect them). He then reviewed the four items that were not approved by the legislature.

He noted that if HB 220 (Outdoor Advertising/Just Compensation) is enacted, this bill would require a local government unit to make monetary payments to billboard owners if the unit passes a sign ordinance requiring nonconforming billboards and signs to be phased out over a period of time.

He briefed Council on three primary areas of concern that may come up in the 1996 legislative session coming from study commissions: (1) Extraterritorial Jurisdiction -- this includes such issues as permitting residents of a city's extraterritorial planning jurisdiction to vote in city council elections. It also includes prohibiting a city from extending its extraterritorial jurisdiction into a county other than the one containing its primary land area; (2) Annexation -- This topic includes the possibility of all sorts of limitations on cities' annexation authority, such as a return to the pre-1959 standards that

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required referenda, or a requirement that a jury trial be held if requested by a petitioner challenging an annexation; and (3) Attorney Fees in Condemnation Cases -- This would require units of government to pay the attorney fees of the defendant in a court action for condemnation of property.

He said that the only specific request for local legislation that he has

received at this point from staff is a request from Terry Summey that the Council seek an amendment to G.S. 87-14, so as to exempt Asheville from the requirement that before issuing a building permit to a contractor, the building inspector must verify that the contractor has paid the license tax required by the State Revenue Act and has workers' compensation insurance in effect.

He stated that he has received a request from the A-B Community Relations Council asking to be designated as a EEOC agency. This designation would allow them to have the same powers as the federal agency in Charlotte on a local level. In becoming a designated EEOC agency, they would be compensated for cases they investigate. Currently the compensation is \$500 per case. They feel this compensation would enable them to stabilize their funding and decrease their dependency on the City and the County. They feel that in seeking this designation, the Community Relations Council can perform a greater service to the City and the County. City Attorney Slawter was concerned about the legal staff support necessary. It was the consensus of Council to (1) find out if the Buncombe County Commissioners have taken any action on this request, (2) contact other cities and counties to see how this has worked for them; and (3) attempt to get input from businesses on whether they feel a local EEOC agency might cause more complaints due to it being local.

City Attorney Slawter also said that he had recently received a letter from Wally Bowen regarding campaign finance reform. Mr. Bowen suggested that the City offer incentives to candidates who voluntarily reform, although Mr. Slawter was not aware of any legal authority for such incentives.

Councilman Skalski asked that we ask our local delegation to pursue some basic issues that come up, like term limits. He suggested limiting campaign spending and also raising Council salaries every two years in order to give people more access to serve on Council.

Vice-Mayor Field spoke in opposition to term limits. She suggested the City wait and see what the legislature does on campaign financing and then Asheville can respond.

Mr. Calvin Allen, representing the Committee for Campaign Finance Reform, asked Council to adopt a resolution urging the WNC legislative delegation to make campaign finance reform a priority in 1996, and to increase pay for Council members.

Vice-Mayor Field felt that campaign finance reform was not a priority for her. She felt that issues like education and crime would be a higher priority for the delegation to consider. She did, however, support Council's looking into a pay increase for future Councils, but that is something that the Council can do itself -- it doesn't have to ask the legislature. She suggested this item be brought up during budget deliberations.

City Attorney Slawter then reviewed with Council a memorandum related to changes that the Council may make itself in the form of government of the City.

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When Councilman Hay asked if the present Council could change the method of election of City Council in 1997, City Attorney Slawter said that G.S. 160A-107 provides that amendments to the City Charter related to the method of election of Council members adopted pursuant to G.S. 160A-101, et seq. "shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder." The current Council was elected under the "nonpartisan primary and election" method authorized by G.S. 163-294, in accordance with Ordinance No. 2155 dated November 15, 1994, which so amended

the City Charter. The current Council is the first Council elected pursuant to that method of election. Since the "beginning of the term of office" of the current Council was on December 5, 1995, it was his opinion that the current "nonpartisan primary and election" method of election of Council members must remain in place until at least December 5, 1997. Any desire on the part of the Council to change either to partisan elections or to another form of nonpartisan elections could thus not be accomplished by the Council in time to be effective for the 1997 election. The earliest election for which such a change could occur would be the 1999 City Council election.

Councilman Skalski presented a resolution for the NC Housing Trust Fund which encourages the local delegation to re-fund this trust fund in the amount of \$2.5 Million. He asked that this be brought back to the Council in the legislative package.

It was the consensus of Council to have the City Attorney prepare a draft legislative package to bring back to Council consisting of the following proposals:

1. Same authority as other cities have to designate downtown area within which development projects may take place in accordance with G.S. 160A-458.3.
2. Exempt Asheville from the requirement that before issuing a building permit to a contractor, the building inspector must verify that the contractor has paid the license tax required by the State Revenue Act and has workers' compensation insurance in effect.
3. Authorization for increase in annual motor vehicle tax (currently \$5) to up to \$10.
4. Resolution urging the WNC legislative delegation to make campaign finance reform a priority in 1996.
5. Request from the A-B Community Relations Council to become a designated EEOC agency.
6. Resolution for the NC Housing Trust Fund which encourages the local delegation to re-fund this trust fund in the amount of \$2.5 Million.

OTHER BUSINESS

It was the consensus of Council to begin their worksessions at 3:00 p.m. on the first and third Tuesday of every month, beginning on March 19, 1996.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:10 p.m.

CITY CLERK MAYOR
