

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor R. Carl Mumpower; Councilwoman Terry M. Bellamy; Councilman Jan B. Davis; Councilman Joseph C. Dunn; Councilwoman Diana Hollis Jones; Councilman Brownie W. Newman; City Manager James L. Westbrook Jr.; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

**CONSENT:**

**Grant from N.C. Emergency Management**

Summary: The consideration of a budget amendment, in the amount of \$21,739, to receive grant money from the U.S. Dept. of Justice (DOJ), sub-granted through the N.C. Division of Emergency Management, for procurement of emergency response and preparedness equipment for Asheville Fire and Rescue Department.

The City of Asheville Fire and Rescue Department requested \$21,739 from the NC Division of Emergency Management for equipment to better prepare the City for a hazardous materials or terrorism incident. Staff was successful in obtaining those funds. Twenty-three North Carolina cities received the \$21,739 grant. The City of Asheville received the grant in order to purchase a fire suppression and decontamination device that uses compressed air, water and foam.

Pros: (1) This unit is available at no cost to the City of Asheville; (2) No matching funds are required; (3) This unit will significantly enhance our ability to effectively manage car fires in our parking decks with the use of a quick response vehicle (QRV) as well as efficiently deal with brush and trash fires; (4) Currently, to provide fire service within the approximate 20 parking structures that are in the city, we park our large fire engines and must pull hand lines to reach vehicle and trash fires within the structures. This unit would allow us to drive directly to the fire in approximately 13 (or 65%) of those parking structures with a vehicle and minimize our response time and thus minimize damage from car and trash fires in those structures; (5) The unit that we recommend purchasing uses new technology to provide the effectiveness of 2,000 gallons of water with only 100 gallons of water (20:1 ratio) and foam. This allows for a relatively small fire unit that can be placed on a pick up type vehicle and operate efficiently and in tight, restricted areas; (6) When extinguishing woods and brush fires that are off the road, we use a brush truck vehicle with 150 gallons of water. This unit will offer 13 times that amount of fire extinguishing power due to the technological use of compressed air and foam; (7) The unit can also be used to decontaminate people and equipment as needed. This can be very effective in hazardous materials situations; (8) This unit is planned to be placed into service operating out of the downtown fire station, so that it is centrally located; (9) Cost of operating this unit on a QRV is significantly less than the cost of operating a full size fire engine; and (10) The unit is environmentally responsible.

Cons: (1) When we purchase our next pick up truck, it will need to be of sufficient size and strength to accommodate this unit. However, this additional cost is offset by a savings in costs to operate in this method versus cost of operating a full size fire engine or ladder truck; and (2) We will incur full replacement cost of the unit when it has served it's useful life. We would project the life cycle of this unit to be 10+ years.

City staff recommends City Council approve the budget amendment to receive grant money from the NC Division of Emergency Management.

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**Contract with NC DOT for Operation of Black Mountain**

**Routes and Associated Budget Amendment**

Summary: The consideration of (1) a resolution authorizing the Mayor to enter into a funding agreement with the N.C. Dept. of Transportation (NC DOT) for the provision of transit services to the Town of Black Mountain; (2) a resolution authorizing the Mayor to enter into an agreement with Buncombe County and the Town of Weaverville to provide transit services to the Town of Weaverville; and (3) an associated budget amendment, in the amount of \$433,294.

The Asheville Transit System has received funding for the operation of a route to Black Mountain through a contract signed by the Mayor last year. The unexpended funds have allowed some operation into this year. The City will receive these funds again this year enabling it to continue these routes through June 30, 2004, as well as to pass through funding to Mountain Mobility for the operation of their route in Black Mountain through the same date. There are no City funds in any of these operations, and the

City is specifically exempted from funding any of these operations in the contract from the NC DOT for these routes.

The Asheville Transit system also received operational assistance in excess of the amount originally budgeted for Fiscal Year 2004.

Mountain Mobility will also fund the operation of a route to Weaverville, using federal Job Funds received by the state and granted to Mountain Mobility. The Town of Weaverville will also contribute \$10,000 to the operation. There will be no City money involved in the operation of this route. The funding is sufficient to operate through October of 2004. This will allow the route to be tested, and if warranted, an application made to the state for continued funding through Fiscal Year 2005.

The budget amendment represents state funding of all Black Mountain operations, funds from Mountain Mobility for Weaverville Route, and an increase in state operating funding over the budgeted amount.

The benefit to the City of Asheville is:

- Increased mobility for the citizens of Asheville both within and outside the city at no additional cost to the City of Asheville

There are no disadvantages to the City of Asheville.

City staff recommends City Council to authorize (1) a resolution authorizing the Mayor to enter into a funding agreement with the N.C. Dept. of Transportation (NC DOT) for the provision of transit services to the Town of Black Mountain; (2) a resolution authorizing the Mayor to enter into an agreement with Buncombe County and the Town of Weaverville to provide transit services to the Town of Weaverville; and (3) an associated budget amendment, in the amount of \$433,294.

### **N.C. Dept. of Environment & Natural Resources Agreement and Budget Amendment to Allocate Grant for Compressed Natural Gas Fueling Station**

Summary: The consideration of (1) a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Environment and Natural Resources (NCDENR) for a mobile source emissions grant to construct a pilot compressed natural gas (CNG) fueling station; and (2) an associated budget amendment, in the amount of \$455,000.

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Almost a decade ago, North Carolina committed to funding the construction of rapid fill compressed natural gas fueling stations along the Interstate 40 corridor. The construction of such a station in Asheville will complete this vision and accommodate CNG fuel needs from the Atlantic Coast to Knoxville, Tennessee (and further West).

On November 14, 2000, City Council authorized city staff to apply for a grant to construct a fast-fill CNG fueling station and provided \$100,000 to defray 'incremental' costs of CNG-powered vehicles.

In June 2003, the City received notification from the NCDENR (Mobile Source Emissions Reduction Grant) awarding the City a total of \$400,000. Of the 400,000, \$300,000 will be used for constructing a CNG fueling station on City property for fleet and public use. The additional \$100,000 will be to fund the incremental price increase for the purchase of CNG-powered vehicles, which cost about 20% more than conventional vehicles, for the City and its key partners (Mission St. Joseph's and Buncombe County).

The City's cash match is \$55,000, which includes \$35,000 for a public-access card reader system (which will also be used by fleet) and a \$20,000 contingency for concrete, security, fencing, etc. This cash match will have to be appropriated from fund balance.

- Advantages
  - CNG fueling station will complete North Carolina's CNG station master plan
  - Public access for CNG-powered vehicles
  - City's cash contribution is only 13.75%
  - Staff (and partners) will gain valuable experience regarding high-pressure fuel systems.
  - Staff will gain experience in alternative fuel technologies
  - City (and partners) are taking a leadership role regarding CNG, alternative fuel vehicle technologies and emissions reductions
- Challenges

- o Cash match of \$55,000
- o Higher (incremental) costs of vehicles (about 20%)
- o Requires additional training for maintenance staff
- o Public access to CNG fueling system

Staff recommends the adoption of (1) a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Environment and Natural Resources (NCDENR) for a mobile source emissions grant to construct a pilot compressed natural gas (CNG) fueling station and funding for the incremental cost of purchasing CNG vehicles; and (2) an associated budget amendment, in the amount of \$455,000.

Councilwoman Bellamy thanked former Councilman Chuck Cloninger for his hard work on this matter.

**Property Transfer to the Health Adventure**

Summary: The consideration of a resolution authorizing the Mayor to enter into an agreement with The Health Adventure to transfer 1.14 acres of City-owned property located at the corner of Catawba and Broadway in exchange for a .89 acre greenway easement and construction of a greenway across their property.

For the past several months, City staff has met with representatives from The Health Adventure to discuss the transfer of 1.14 acres of property located at the corner of Catawba and

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Broadway known as the “Leaf Pile.” This property was formerly part of the Penick Property, which was donated to the City several years ago. During these discussions, staff expressed the need for the continuation of the Reed Creek Greenway to occur through this property and across The Health Adventure property to connect to the Glenn Creek Greenway on Weaver Boulevard. The final determination in regard to this transfer includes The Health Adventure granting an easement representing .89 acres adjacent to Broadway Avenue. In addition, the Health Adventure has agreed to pay for and construct the greenway across this property from the corner of Catawba to the intersection of Broadway and Weaver Boulevard. The greenway will be constructed to the standards established by the Greenway Master Plan with final approval of the design by the Greenway Commission and City staff. In addition, The Health Adventure will work with the Public Works Department to continue the use of the “Leaf Pile” until actual construction occurs for the proposed Health Adventure facility. City staff wishes to ensure that the property remain for public use as much as possible, and the City will work with The Health Adventure to ensure that the property is open to the general public as feasible. In addition, if for some reason The Health Adventure fails to build their facility on this site and they wish to resell the property, the 1.14 acres should revert back to the City of Asheville to remain as public space. City staff will be working with representatives of The Health Adventure to develop and agreement that will incorporate all of the above issues.

Upside:

- The City of Asheville will be able to continue development of the greenway from Catawba to the entrance at Weaver Boulevard at no cost to tax payers.
- Greenway design and construction will be approved by the Greenway Commission and City staff.
- The City retains property in the future if The Health Adventure wishes to resell the property.
- The City and The Health Adventure will work together on design elements on and around the Greenway.

Downside:

- The City will lose the use of the “Leaf Pile” for public use.
- Some restrictions may occur with the use of the former property by the public due to accessibility issues with The Health Adventure operations.

The Parks and Recreation Department recommends that the Mayor enter into an agreement with The Health Adventure for the transfer of 1.14 acres of City property in exchange for a greenway easement of .89 acres and the construction of a greenway on Reed Creek.

Vice-Mayor Mumpower asked this not be placed on the Consent Agenda at the next formal meeting.

**Municipal Agreement with the N.C. Dept. Of Transportation for Passenger Rail Facility**

Summary: At the February 17, 2004, Council meeting, this item was tabled until Council had the opportunity to gather more information including more discussion with N.C. Dept. of Transportation (NC DOT) officials.

Efforts to arrange a meeting between members of Council and NC DOT before March 16 were not successful. However, the date of Friday, April 30 has been established for that meeting. The item will be brought back up for formal Council action on May 11, the first formal meeting following the April 30 visit to Raleigh.

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### **Application for Grant from US Dept. of Homeland Security**

Summary: The consideration of a resolution authorizing the Fire and Rescue Department to apply for Federal funds available from the U.S. Department of Homeland Security (DHS), sub-granted through the Federal Emergency Management Agency's (FEMA) Fiscal Year 2005 Assistance to Firefighter's Grant Program, for procurement of computers for fire apparatus, portable radios (walkie-talkies) and two portable radio repeaters.

The City of Asheville Fire and Rescue Department, with endorsement of the Asheville City Council in March 2003, requested \$122,205 from the U.S. Department of Homeland Security to replace 44 of the department's self contained breathing apparatus (air packs) and 24 of the department's VHF portable radios (walkie-talkies). The Federal grant was for 70% of the costs with the city to match 30%, or \$52,373. Staff was successful in obtaining those Federal funds. We again have an opportunity to apply for the grant program in order to fund laptop computers for fire apparatus, portable radios for firefighters and two portable repeaters.

The computers and walkie-talkies will be used daily by firefighters and are used on virtually every emergency that occurs within the city. The portable repeaters will be used often. Computers are used through the city's existing Geographical Information Systems (GIS) database to provide street, water line, hydrant, building, pre-incident plans, aerial photography, resource listings and other information to firefighters on a daily basis when responding to and managing emergencies. Additional walkie-talkies would allow each firefighter "seat" to have a portable radio. Currently, only the fire officer and fire engineer on each apparatus have portable radios. This would improve firefighter safety. The two vehicle repeaters would allow firefighters to better communicate in dense or "heavy" buildings, such as the hospitals, the malls, etc.

Staff desires to apply for grant in the amount of \$141,300. Seventy percent (\$98,910) will be Federal dollars and 30% (\$42,390) will be the City's match. The City's match will come from Fund Balance.

#### **PROS:**

- The computer equipment would allow the Asheville Fire and Rescue Department to take advantage of the information and technology that is available to us and allow us to apply it virtually every day. We have field-tested a laptop already for two months and it works great in the field.
- The portable radios would increase firefighter safety on emergency scenes.
- The portable repeaters would allow firefighters to communicate in locations where the current system is very limited such as the hospital, mall and other "heavy" buildings.
- If the grant is approved, 70% of the funds, would be supplied by the Federal Government.

#### **CONS:**

- In order to maintain the same level of service, computer equipment and radio equipment would have to be replaced by the city when it is worn out. Live expectancy would be approximately five (5) years.
- If the grant is approved, the city would have to contribute 30% of the funds for the project.

City staff recommends City Council approve the resolution authorizing staff to apply for the 2004 Assistance to Firefighters Grant from the U.S. Department of Homeland Security.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

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### **DOWNTOWN SOCIAL ISSUES TASK FORCE**

Mr. Pat Whalen said that the Downtown Social Issues Task Force is recommending that a joint City County Task Force be appointed to develop a Ten-Year Plan to End Homelessness.

The Downtown Social Issues Task Force has been working over the last year on developing recommendations on a

number of issues affecting downtown: graffiti, homelessness, panhandling and public drunkenness. The Task Force split into committees and one committee, called the Conditions committee, sought solutions to the causes of some of these entrenched problems.

This committee examined issues related to homeless youth, discharge planning (when persons are discharged from the jail, foster care, hospital, treatment centers) and chronic homelessness. Several themes emerged from their research. The chronic homeless population is being continually revolved through service agencies, which ends up being quite costly. These services include City police, County Detention Center, the courts, County EMS, and Mission Hospitals. It has been estimated that, over a 2-year period a small group of people in our downtown cost the City, County and the hospital system over a half million dollars. There are programs that have worked in other cities, that place hard to serve individuals in permanent housing with supportive services, and there has been a cost savings since these individuals are no longer moving through the justice and hospital systems. It is clear that both the City and the County have a stake in changing this pattern of service-usage in our community.

Not only are the chronic homeless of concern, but homeless youth and discharge practices are of concern as well. The Task Force is aware that the current services are working well for a large number of the homeless, and need continued support. With coming changes in the mental health system though, it is anticipated that problems could worsen. After assessment of the issues, it became clear that to make a significant impact a comprehensive plan for homelessness is needed with the buy-in of both County and City agencies as well as the business community and service providers. Similar planning is under development at the State level.

Mr. Bill Byrne, member of the Downtown Social Issues Task Force, presented City Council with the details of their recommendation and summarized the following recommendations:

1. The City of Asheville and the County of Buncombe develop a Ten-Year Plan to End Homelessness that includes initial priority on the chronic homeless population, the sub-population most visibly present in the downtown area.
2. Leadership roles and positions within the steering committee be defined and;
3. Funds for staff time be allocated so that the plan can be carried out and written in a timely manner.

City staff is estimating that it will cost up to \$10,000 to hire someone to write the plan. This cost, however, can be built into this years' HOME allocation, and would not require funding directly from the City.

A joint resolution forming the City County Task Force, with a list of suggested Task Force members will be presented to Council in the near future. City Council and the Buncombe County Commissioners will be asked to appoint members.

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The Task Force is planning on presenting this recommendation to the Buncombe County Board of Commissioners in April.

#### Advantages:

- A ten-year plan will fit in well with HUD's growing concern for seeing cities deal with the issue of chronic homelessness. The City's Community Development Division is expecting a requirement for a ten-year plan to end chronic homelessness to be imposed in the next few years.
- New HUD funding for homelessness is expected to favor or even to be restricted to those communities that have a ten-year plan.
- A broad task force that includes stakeholders from the business community, local governments, as well as the service providers is necessary build consensus for a plan dealing with complex issues.
- With plan implementation, there are potential cost savings for the City and the County due to decreased demands on high cost services (Police, EMS, Detention Center).

#### Disadvantage:

- Funding for writing the plan could cost up to \$10,000, but these monies could come from HOME funds and not general funds.

City staff recommends support of the recommendations that a joint City County Task Force be appointed to develop a Ten-Year Plan to End Homelessness.

Vice-Mayor Mumpower asked for hard data on how the successful models have been operating, e.g. Indianapolis, Indiana, including the upsides and downsides of the models.

Discussion surrounded how this plan can dovetail with other agencies and other plans.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

### **PACK SQUARE CONSERVANCY UPDATE**

Ms. Carol King, Chair of the Pack Square Conservancy, said the Pack Square Conservancy is requesting consideration of plan revisions to Pack Square Conservancy Plan and approval of allowing the Conservancy to manage naming rights for the park features.

The Pack Square Conservancy (PSC) recently held a design charette to receive and respond to public input concerning redesign of the middle section of the Pack Square Renaissance project. This was necessitated by the withdrawal of the Grove Park Inn's proposed building at this site. City Council has previously received a copy of the recommended plan by the PSC. This plan substitutes a smaller building for the large mixed-use structure proposed by Grove Park Inn (GPI).

As our experience with GPI indicates, there are currently existing development constraints at this site that complicate certain types of large-scale development. These constraints include the expense of underground parking and the need for expensive relocation of existing utilities (estimated by professional contractors at approximately \$450,000).

The PSC is also requesting the ability to manage naming rights for park features as a fund-raising/marketing tool. City Council has previously been provided a copy of the naming rights policy by the PSC.

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In addition, the designer has also designed into the park a very innovative recycling program called "integrated stormwater collection system."

Additionally, please note that Engineering staff will present a redesign for College Street for your consideration in April. This redesign will complement the PSC project but was identified as a public safety and capital project need (and was under design & development) prior to the PSC plan.

#### Plan Approval:

##### Pros:

- Public acceptance of the new design
- Allows fundraising for the park to continue without public controversy and for park development to continue on schedule
- Maintains a building at the park edge as an urban design component and revenue source

##### Cons:

- Potential loss of a larger scale infill redevelopment opportunity and resultant public revenue

#### Naming Rights:

##### Pros:

- Allows opportunity for greater private fundraising for the park

##### Cons:

- None noted.

City staff recommends City Council consider plan revisions to Pack Square Conservancy Plan and consider approval of allowing the Conservancy to manage naming rights for the park features.

Vice-Mayor Mumpower initiated discussion about the City's cost of infrastructure in this plan, noting that we had a dedicated revenue stream to pay for the City's portion and that stream is now lost. Mr. Shuford could not attach monetary figures and felt we would know better when Engineering brings the redesign of College Street to Council in April. However, he felt there would not be a lot of major off-site costs directly associated with this project. He would try to give Council some ballpark figures before the formal meeting next week. He did point out however, that the Conservancy is offering the City a \$6-7 Million private sector investment in our downtown park.

Discussion then surrounded the view corridor and making Spruce Street a two-way street.

Mayor Worley asked that the record show that City Council has

received this information and instructs the City Manager to place this item on the next formal City Council agenda.

#### **APPROVAL OF AIR QUALITY IMPROVEMENT INITIATIVE 2004**

City Engineer Cathy Ball said that this is the consideration of a resolution authorizing adoption of the Air Quality Improvement Initiative 2004 as a tool to improve air quality in the City of Asheville

In December 2002, City Council adopted a resolution to enter into an Early Action Compact (EAC) along with Buncombe County and other local governments. The first step in the process was to develop a list of measures that can be taken by each of the local governments to reduce air pollution. In an effort to develop this list, EPA recommended that a group of

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stakeholders be created to make recommendations to local governments. City Council reviewed and approved the stakeholders in March 2003.

Due to the differences in size and economic base, it was agreed that each county would identify local control measures individually. This process allows greater stakeholder participation and allows each jurisdiction to evaluate local resources and determine if county-specific control measures can reasonably be implemented.

This group of stakeholders representing the City of Asheville and Buncombe County developed a list to City Council in June 2003. Since that time, no major changes in the measures has been made by the stakeholders.

Since the June 2003 update to City Council, the City has received information that indicates that our area will not be considered for non-attainment status in the next review largely due to the wet summer and fall we experienced in 2003 as well as some major changes that Progress Energy is making in their process at the Lake Julian site.

The stakeholders met to discuss this issue and recommend that the City approve this plan as an effort to improve air quality regardless of the threat of becoming non-attainment. The stakeholders indicated that they would like to see a more aggressive approach to improving air quality particularly in the area of educating the public of measures they can take to reduce pollutants.

Buncombe County along with the City of Asheville held a public meeting on January 8, 2004, to solicit input on the plan. The comments were good but many participants requested that the measures in the plan be mandatory as opposed to optional.

The Southern Environmental Law Center has indicated they will file suit against EPA if they allow communities to use the Early Action Compact as a method of avoiding non-attainment status. EPA has indicated they will not challenge this suit. This means that adopting an Early Action Compact may not allow communities to avoid the non-attainment designation. This area is not affected by this challenge because we would not be considered for non-attainment status for the reasons described above. For that reason many of the counties in the surrounding area have chosen not to adopt an air quality improvement plan.

Rather than passing this plan as an "Early Action Compact" Plan, staff recommends that we refer to it as an "Air Quality Improvement Initiative 2004" to avoid any possibility of being involved in the possible lawsuit mentioned above.

Most of the measures in the initiative do not cost money, they simply state that we will try to take measures that have been proven to reduce pollutants. The only initiative that cost money is developing and implementing an educational/public relations plan. The Engineering Department has requested \$15,000 in the Fiscal Year 2004-05 budget to cover these expenses.

Staff recommends that City Council adopt the Plan under the title of Air Quality Improvement Initiative 2004 to improve air quality in the City.

Councilman Davis spoke highly of this plan and felt this may be a good opportunity to involve the Clean Air Trust Board.

Councilman Newman felt that the entire plan was important, but felt that Council should look at all the measures and then zero in on some parts of the plan that can make the most significant difference. If funding is going to be allocated, he wondered if it would be best to do it in-house or best to work through the Clean Air Trust Board.

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Councilman Davis agreed with Councilman Newman and stated that we don't want to lose site that this started out as a

regional initiative. We will continue to work with our neighbors. He agreed that we do need to isolate some points that we can work on locally and then work regionally on other issues.

At the suggestion of Councilwoman Bellamy, Mayor Worley appointed Councilman Davis as Chair, Vice-Mayor Mumpower and Councilman Brownie to a subcommittee to work on what initiatives the City of Asheville should first focus on. The subcommittee will also see how we can better work with the Clean Air Trust Board. The subcommittee was asked to report back to Council after they have had a chance to meet.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

#### UPDATE ON HAYWOOD ROAD RECOMMENDED TRANSPORTATION IMPROVEMENTS

City Traffic Engineer Anthony Butzek said that this is the consideration of a resolution supporting the recommendations of the Haywood Road Traffic Study dated March 2004.

Improvements to Haywood Road, the "Main Street" of West Asheville, have long been identified as a critical desire of the residents of Asheville. This traffic study proposes modifications developed based upon public input and technical analysis, with the intent of improving the corridor's role as an urban commercial district while enhancing traffic flow. The modifications can be implemented almost entirely by restriping the pavement, at a very low cost.

Based upon years of input from citizens, businesses, and political leaders, and significant investment in community planning, the report requests the proposed modifications to Haywood Road be implemented by N.C. Dept. of Transportation (NC DOT) as part of the proposed resurfacing (currently scheduled for 2004). The proposed modifications would address a number of goals intended to support the viability of West Asheville's community business district, including improving facilities for pedestrians, bicyclists, transit users, and vehicles, and better providing and clearly marking on-street parking spaces. The modifications should clean up what can be a very confusing street on which to drive.

The corridor study proposes one through lane in each direction with turn lanes where appropriate and marked on-street parking. The proposal would eliminate the confusing pattern of lane-adds and lane-drops, as well as the existing condition of cars parking in a travel lane. The proposal would also relieve the bottleneck at the intersection of Haywood Road with Dorchester, State, and Majestic by removing Majestic from the traffic signal (this will also reduce Majestic's use as a cut-through). In summary, the proposal maintains current level of service for traffic while improving the corridor for businesses, pedestrians, bicyclists, and transit users.

Pros:

- Support of revitalization through improved environment for pedestrians, bicyclists, and transit users.
- Elimination of traffic bottleneck at Dorchester/State/Majestic.
- Expected reduction in crashes due to elimination of confusing lane adds and drops and elimination of parking in travel lanes.
- Implementation of a plan developed with significant community input.
- Minimal cost of implementation by coordinating with scheduled resurfacing.

Cons:

- NC DOT may not approve proposal due to reduction in number of lanes in certain areas and addition of some on-street parking.

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- Minimal cost of installation includes minor traffic signal modifications at Dorchester/State/Majestic and installation of several concrete islands.
- City may need to accept maintenance responsibility in order to implement if NC DOT rejects proposal.

City staff requests City Council adopt a resolution supporting the recommendations of the Haywood Road Traffic Study (dated March 2004) and the forwarding of said resolution to the NC DOT.

Mr. Butzek answered various questions/comments from Council, some being, but are not limited to: what is the level of service of the corridor and will that change if recommendations are implemented; has the NC DOT representatives been involved in this process; will new parking spaces be metered; will two lanes improve traffic flow; will the intersections be improved; will there be a temptation for speeding; will there be problems for emergency vehicles; what is the standard width for lanes; and what is the



sentiment of the community.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

Councilman Davis left the Council meeting due to a presentation he was going to make to the Buncombe County Commissioners.

#### **OPERATIONAL RELOCATION ASSISTANCE POLICY AMENDMENT**

Community Development Director Charlotte Caplan said that this is the consideration of a resolution adopting a revised Optional Relocation Assistance Policy.

When federal funds, such as Community Development Block Grant (CDBG) or HOME, are used in a project in which people are involuntarily displaced from their homes, there are strict regulations for providing adequate relocation assistance to the displaced households. CDBG funds can also be used "optionally" to provide assistance in cases not covered by these regulations. The City adopted such an optional policy in December 2000 in response to the closure of the Merrimon House. It provides for CDBG-assisted relocation when tenants are displaced by City housing code enforcement action.

Staff has found that the current the policy is not very effective in emergency situations because it requires Council approval for each case. We have also started to encounter cases of need not covered by the original policy.

A recent code enforcement case made us aware of the need to provide relocation assistance quickly in emergencies. The City's Housing Code Coordinator issued an immediate Notice to Vacate to a household consisting of an owner and tenants whose health and safety were at risk because the property lacked a sanitary sewer. The residents had minimal financial resources. Due to the urgency of the situation, staff authorized CDBG Emergency Relocation funding to enable the Affordable Housing Coalition to provide advice and financial aid. Without such assistance, the residents might have become homeless.

In addition, participants in the City's homeowner rehabilitation program are sometimes required to temporarily relocate during the rehabilitation process to protect their health and safety. This has presented problems for some applicants who cannot afford to pay for rent and moving costs in addition to their regular mortgage payment.

These cases are fairly unusual, averaging one or two a year, although, as with the Merrimon House, several households may be relocated in one case.

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The revised relocation policy would allow staff to approve CDBG relocation assistance up to \$2,000 per household, and would extend assistance to homeowners displaced by code enforcement action and to participants in the homeowner rehabilitation program. In every case there would have to be clear evidence of financial hardship. The number of cases is expected to increase to an average of 2-4 a year.

The Housing and Community Development Committee has reviewed the policy. The Committee was not unanimous in recommending it. Some members expressed the view that the HCD Committee should have a role in reviewing and approving optional relocation cases. An alternative revised policy to increase the HCD Committee's responsibilities has been drafted.

The advantages of adopting the revised policy as drafted are:

- Allows rapid response to emergency needs, preventing possible homelessness;
- Extends benefits to homeowners displaced by code enforcement action, as well as tenants;
- Allows low-income homeowners to participate in the FAIR program without fear of hardship if they have to relocate temporarily;
- Avoids involvement of Council Members in administrative decisions involving small expenditures;
- Avoids public discussion of cases, which may be embarrassing for the individuals involved; and
- Avoids setting a precedent for administrative (as opposed to advisory) action by the HCD Committee.

Disadvantages include:

- Removes cases from direct Council oversight; and
- By extending benefits to more people, marginally increases the possibility of abuse.

Staff recommends adoption of the Revised Optional Relocation Assistance Policy in which the City's Housing Code Coordinator and Community Development Director determine the relocation assistance is necessary to mitigate hardship (not the Housing & Community Development Committee).

Upon inquiry of Councilwoman Bellamy, Ms. Caplan said that if staff does make any allocations, that the Housing & Community Development Committee will be apprised.

There was a brief discussion on why the Housing & Community Development Committee was not unanimous in recommending the revised policy.

It was the consensus of Council to support the Revised Optional Relocation Assistance Policy in which the City's Housing Code Coordinator and Community Development Director determine the relocation assistance is necessary to mitigate hardship.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

At 4:50 p.m., Mayor Worley announced a short recess.

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## **BANNER POLICY**

Director of City Development Sasha Vrtunski said that this is the consideration of a resolution adopting a policy governing banners on light poles in the City of Asheville.

Requests for placing banners on City light poles have been increasing over the past few years. City staff needs a policy to guide how this program should work.

The City of Asheville reserves the right to install its own banners for special events, holidays or other purposes. There are two categories of banners provided for in the policy for other participants:

- District Identification – Banners can be used to identify specific neighborhoods or business districts, which will also assist visitors with way finding. These banners may be displayed for up to a year, and are renewable.
- Co-Sponsored Events – Events that are co-sponsored by the City of Asheville may want to promote their event with banners for a month preceding the event date. Examples of such banners could be Bele Chere, the Greek Festival or Goombay.

Sponsorship is allowed on 20% of a banner to identify private businesses or individuals who have contributed funds towards supporting the banners. This sponsorship can appear on the banner itself or on a hang down piece that will be no greater than 20% of the banner area. The hang down option gives participants the ability to produce banners for multiple uses, while changing sponsorships.

The policy outlines standard size requirements for banners. The size of 30" x 60" is a standard size for city streets, as well as a standard manufacturing size. In the case of larger profile roads, such as Patton Avenue in West Asheville, a longer banner could be allowed.

### **Advantages:**

- Individuals or groups will be able to put up banners recognizing business districts or neighborhoods of the city.
- Events co-sponsored by the City will be able to promote their event for a month prior to the event.
- Event Banners will reflect events that benefit the entire community.

### **Disadvantages:**

- The policy does not allow for other types of banners to be put up, which may seem restrictive, but should prevent

community division over the content of the banners.

- City staff recommends the adoption of the policy governing banners on light poles in the City of Asheville.

- Councilwoman Bellamy suggested no political banners be allowed. Ms. Vrtunski said that they couldn't prohibit those banners due to First Amendment rights. She did state, however, that they have not tried to legislate the sponsorship.

City Attorney Oast said that our recommendation is that we leave that sponsorship available to whoever wants to do it. We are comfortable the district identification and the co-sponsorship events categories of content for the sign. He doesn't think that the City can limit who buys the banners.

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Mayor Worley asked that the record show that City Council received this information and instructed the City Manager to place this item on the next formal City Council agenda.

### **REVISION OF COUNCIL RULES REGARDING THE CONDUCT OF MEETINGS**

- City Attorney Bob Oast said that this is the consideration of amendments to Council Rules regarding the conduct of meetings.

One of Council's continuing concerns has been the length of council meetings and the conduct of public comment sessions, including public hearings. The public shares and frequently has expressed this concern. The law is clear that Council may establish rules for the conduct of its meetings and public hearings. In the conduct of some required public hearings and quasi-judicial hearings, due process is also a concern.

Most public hearings or public comment periods are concluded quickly, but there are some matters that require special attention, and the ability to establish special procedures. Accordingly, some revisions to Rule 7 are proposed to deal with general public address to the Council and a new Rule 7.5 is proposed to deal with special matters with respect to which, due to their nature or anticipated length, it may not be possible or desirable to conduct them within the framework of the normal rules.

The proposed revisions to Rule 7 establish general rules of decorum, applicable to all public comment, and recognize the Mayor's power, as the presiding officer, to control proceedings.

The proposed new Rule 7.5 establishes some procedures, such as the maximum time allotted and the manner of submitting documents that will apply to all public hearing/comment items. The proposed new rule also provides for the establishment of rules and procedures applicable to particular matters. These include: recognition of spokespersons, order of presentation, and rulings on relevance and repetition of information. Due process will be taken into consideration in establishing any special rules.

The following considerations should be recognized:

- There may be other proposed amendments that come out of Council's recently completed goal-setting process.
- There will need to be some break-in period for these rules, while the public and Council become accustomed to them.
- Staff will attempt to recognize those matters where special procedures may be appropriate, and will work with the affected citizens to establish appropriate special procedures in advance of hearings.
- Respect for any rules and procedures is essential to their effectiveness.

City Attorney Oast then reviewed the revisions as follows to Rule 7 and the entire new Rule 7.5:

#### 7. PUBLIC ADDRESS TO THE COUNCIL

Citizens desiring to address the council shall be given the opportunity to do so as follows:

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- (a) Any individual or group who wishes to address the council may make a request to be on the agenda to the city

clerk. The mayor and city manager shall determine when preparing the agenda for the meeting whether the matter will be placed on the agenda.

- (b) Subject to the time limitations set forth in paragraph (c), below, the public shall be allowed to comment on matters under consideration by the council prior to a final vote on the matter by the council. Public comment shall generally be taken regarding such matters under consideration by the council during the ~~formal~~ "regular" 5:00 p.m. meetings of the council as referenced in Rule 1. Public comment will not be taken during the "worksession" discussions of the council except in those instances where a final vote of the council is being taken during a worksession. In such instances, public comment shall be allowed in accordance with the time limits set forth hereinafter.
- (c) Any person addressing the council shall be limited to a three minute presentation except that any group making a presentation to the council may have a single spokesperson who will be allowed ten minutes to address the council, provided that at least three other members of that group are present in the Chamber, and relinquish their opportunity to speak. The council will receive written information from any individuals or groups that cannot conclude their presentations within these time limitations.
- (d) At each "regular" meeting ~~and each "worksession"~~ of the Council, under the "Informal discussion and public comment" section of the agenda, any group or person wishing to address the Council on any matter not previously considered during the meeting may do so. For matters coming before Council pursuant to this paragraph, and with respect to which the Council may not act, the following limitations apply:
  - (i) No more than three persons (one at a time) may address the Council, and no person may take longer than three minutes to complete a presentation.
  - (ii) In lieu of the limitation set forth in (i) above, a group may elect to designate a spokesperson who may take no longer than ten minutes to complete a presentation.

As used herein, "presentation" means all forms of address, including speaking, use of audio or video materials, and distribution of literature. For presentations that cannot be completed within the limitations of this paragraph, written comments or other information may be delivered to the Council through the City Clerk.

~~(e)~~ Persons addressing the Council are expected to observe the decorum of the Chamber, to be respectful of the Council and the public, to refrain from the use of profanity or foul language, to refrain from personal attacks and commentary on political candidates.

~~(f)~~ ~~(e)~~ The mayor (or the vice mayor, in the absence of the mayor) shall be authorized to allow additional comments and time for comments as he or she may deem appropriate for the orderly conduct of business.

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~~(g)~~ Pursuant to Rule 9(b), the mayor or presiding officer may rule out of order any comments made under this part of the agenda if such comments are unruly, repetitive of information previously received by council on the same subject at the meeting then in session or at previous meetings. The mayor may also rule out of order any comments made during this part of the agenda that are vexatious or intended to harass, and is authorized to take reasonable and appropriate measures to ensure compliance with these rules.

## 7.5 SUPPLEMENTAL RULES AND PROCEDURES

- A. The time limit applicable to public hearings or public comment periods on any agenda item shall be one hour. This time limit shall be exclusive of staff presentations and any structured Council debate. This time limit may be shortened or extended by the Mayor, with the concurrence of Council.
- B. In addition to the rules set forth in Rule 7 and herein, the Mayor may, in consultation with the City Attorney and with the concurrence of Council, establish supplemental rules and procedures applicable to particular public hearings or public comment periods in order to facilitate the receipt of relevant information by Council, while affording appropriate due process. Without limitation, such rules and procedures may include:
  - 1. The order of presentation;

2. The length of individual or group presentations;
  3. Recognition of a primary spokesperson or representative to provide information or respond to a particular question.
  4. The maximum time allotted for the public hearing.
  5. Relevance of information and repetition of information previously received; and
  6. Determining when new information has been presented.
- C. The Mayor may, with the concurrence of Council, determine when sufficient information has been presented at any public hearing or public comment period, and is ready for action by Council.
- D. Any documentary information that is to be used in a public hearing or public comment period shall be furnished in advance to the City Clerk in electronic format or 15 copies thereof. This rule may be waived for good cause.
- E. In order to facilitate the efficient use of time, citizens are encouraged to coordinate their presentations with others who have similar positions, and to designate a spokesperson, where practicable, to speak for the group.

At the request of Councilwoman Bellamy, City Attorney Oast said that he would try to find another word instead of "vexatious" because some people may not know what that means.

At this time, Councilman Davis re-entered the meeting.

Councilwoman Bellamy suggested language be inserted that City Council does not discuss personnel issues.

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Mayor Worley said that he would let the people know at the beginning of the public hearing how much time will be allowed for public input.

Vice-Mayor Mumpower suggested that either the phrase "Mayor or presiding officer" or "Mayor or Vice-Mayor" be used for consistency.

Discussion surrounded if all members of a group have to relinquish their opportunity to speak if they are not in agreement with their group spokesman. City Attorney Oast said that after listening to Council's concerns, he would try to address that in different language. In addition, he said that he would work with our Planning Department to try to come up with a process by which we can identify what we think will be a controversial public hearing item. We can try to get a special order to Council to be adopted at the worksession prior to the formal meeting and get that information out to the people who might wish to speak at the public hearing.

Discussion then occurred about the institution of a sign-up sheet procedure. Questions and comments surrounded when they would sign up, if City residents would be given preference, if there would be a close-out period of time for signing up, and who would be signing them up to speak.

Mayor Worley said that the length of Council meetings are not always driven by public hearings, but are driven by Council members themselves. He said ways to shorten meetings will be to take more control over public comments and to exercise more self-discipline in ourselves.

Discussion surrounded Councilwoman Bellamy's concern about the inconsistency of who gets "wanded" by our police officers prior to entering the City Council meetings and suggested a clear policy be adopted. City Manager Westbrook said that he provide Council with information on how police officers make a determination.

City Attorney Oast said that he would incorporate Council's comments into another draft amendment and place it on upcoming formal meeting.

Councilwoman Jones said that after this is adopted, she would like to find a way to see if the rule changes make a difference.

#### **UPDATE ON THE JOINT PLANNING AREA**

City Attorney Bob Oast said that following the initial presentation of our draft of the Joint Planning Area (JPA) Interlocal Agreement to Council on February 17, 2004, we had some discussion with County planning staff.

The following points were discussed:

County Planning Board Certification. Under State law, N.C.G.S. 153A-344, the County planning board must certify any proposed initial zoning ordinance to the Commissioners before the Commissioners can hold public hearings. The same law also provides that amendments must be referred to the County Planning Board and prescribes a minimum period of 30 days for the board to take action.

As to the question of initial adoption, the JPA Agreement may not provide that the planning directors' recommendations are automatically transmitted to the Board of Commissioners if the Planning Board does not act on them within a specified time. However, the Agreement can provide that if the Planning Board does not certify an ordinance to the Board of Commissioners within the specified time, then the City may terminate the Agreement. The other

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option would be to leave the time period for the County Planning Board's certification open-ended.

Review of Subdivision Plats. The City's draft JPA Agreement provided that one of the duties of the joint planning agency would be to review subdivision plats. The County wishes for this function to be performed by the County Planning Board. This was probably the most significant point of disagreement. With respect to this, several considerations are important: First, a subdivision is a powerful form of land use regulation; second, whatever agency administers subdivisions will have to follow the JPA regulations, which are adopted by both the City and County; and third, subdivision regulation can occur whether zoning exists or not - the County already administers subdivision regulations in the unzoned areas of the County.

One possible solution might be to provide for a two-step process whereby appeals from subdivision decisions in the JPA were reviewable by the joint planning agency, or by the governing boards.

There were some other issues regarding the functions of the joint planning agency, but they were primarily clarifications.

Enforcement. The proposed agreement provides for the City to request the County to take enforcement action within the JPA, and if no action is taken by the County, for the City to take the action and be reimbursed by the County. The County recognizes the importance of prompt and effective enforcement action within the JPA, but had some questions about this provision, and requested that it be reconsidered.

Some method needs to be available to enforce the JPA regulations, and to address situations where the entity charged with enforcement can be required to take appropriate action.

He said we are continuing to discuss the provisions of the Agreement with the County. When he has developed some revisions to the applicable provisions and reviewed them with the County, he will bring the Agreement back to Council for consideration and possible action. If agreement on particular language is not obtained, he will report that to Council as well.

It was the consensus of Council to have the City Attorney continue to update Council on the JPA and when appropriate, bring the agreement to Council for consideration and action.

## STATE AND FEDERAL LEGISLATIVE AGENDAS

City Attorney Bob Oast said that last year's legislative session adjourned in late July. It was an unusually abbreviated regular, or "long", session; long sessions in recent years have usually gone into August or later. In fact, the 2003 "long" session may have been shorter than the 2002 short session, which was protracted because of the State's fiscal problems, and adjourned in December. The State's fiscal problems continued to be a big part of the legislature's agenda in 2003, and much of the general legislation adopted reflect that focus. Some items did affect municipalities, including Asheville.

## LOCAL LEGISLATION

City legislative initiatives. The City of Asheville's package of legislative requests was modest, including 4 items. Those items were:

1. A blank bill for a funding source for the Civic Center.
2. A bill to reduce the terms of the Housing Authority members from 5 to 3 years.

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3. A bill to authorize the City to require the posting of pre-towing notices on private parking lots.
4. A bill for a charter amendment to allow the City to limit contributions to candidates for City Council.

Of these, the only one introduced was the bill to require the posting of pre-towing notices. This bill passed as written, and is now a City ordinance. There were three "blank" bills introduced with no subject designated: two for local legislation for the City of Asheville and Buncombe County, and one for the City of Asheville only. The purpose of such bills is usually to "hold the place" for a substitute bill that contains substantive language. Presumably one of those bills was holding the place for a bill for a civic center funding source, but no substitute bill was ever introduced.

The other requested bills were not introduced either because they did not have the support of our delegation, or because they did not receive a unanimous vote from the Council, which caused our legislators some hesitation.

One item was initially approved for submission of a request, but was ultimately not transmitted to our delegation:

Authorization to use photographic equipment to enforce red light violations. This legislation has been adopted for several cities across the State, but is not yet general legislation. It enables cities to set up cameras at certain problem intersections, take a photograph of vehicles that run red lights, and use that photograph as the basis for imposing a civil penalty.

Other local legislation of note: A legislative item that the City had significant interest in was the bill to incorporate the Town of Mills River. We were concerned because of the size of the geographic area that the town would cover, and expressed that concern to the legislative commission that considers such requests, but we did not oppose the incorporation. The town was incorporated, and the effective date was June 24, 2003.

#### STATEWIDE / OTHER LEGISLATION OF NOTE

1. Budget / Finance. Local governments were successful in getting a commitment from the legislature not to disturb sources of local revenue, which caused such a big problem in 2002. This "hold harmless" commitment will continue through 2012.
2. Campaign Finance. Although the City's campaign finance reform bill was not introduced, a bill passed in the Senate that would permit larger cities (including Asheville) and counties (including Buncombe) to appropriate funds for grants to candidates for local elected officials. Because it passed one house, it is eligible for consideration in the 2004 session.
3. Economic Development.
  - a. Local Government Project Development Financing. This would allow local governments to use the differentials in property tax revenues (developed versus undeveloped property) to pay for certain improvements to redeveloped land. This is similar to tax increment financing that is available in all but one other state in the country. This bill requires a constitutional amendment to become law, which will require a vote of the people. It will be on the ballot in the 2004 general election.
  - b. Interlocal Economic Development Cooperation. Authorizes two or more local governments to enter into an agreement to undertake infrastructure projects that will encourage business and industrial development.
4. Other Legislation. Other legislation of general interest to municipalities was introduced, and some of it passed. This legislation has broader application than just local government, e.g. ABC laws and environmental laws, and will not be summarized in this staff report. Information on these bills and laws is available by contacting my office. However, one such item was of interest to Asheville because of our particular operations:

Skateboard Park Liability. This legislation enables local governments who operate facilities for skateboarding and similar activities to limit their liability for injuries, provided that the use of protective equipment at such facilities is required by ordinance. The City of Asheville adopted an ordinance effective at the Food Lion Skate Park.

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LOCAL LEGISLATION FOR 2004. This year's session is a "short" session. Short sessions usually convene in May, and usually adjourn no later than July. The convening date for this year is May 10. The deadline for submission of local bills to Bill Drafting is May 19, which means that any requests from us must be in our legislators' hands a few days earlier. Also, local bills must be certified as non-controversial by the introducer, which limits what can be introduced.

The possibilities for the City's legislative requests include:

1. Technical Amendment to Civil Service Law to specify two-year term. Two years has always been the term for Civil Service Board members, but for some reason, the 1999 amendments to Civil Service law deleted it. I have already spoken with one member of our delegation about this, and amending it should not be a problem.
2. Film Industry Incentives. The State of North Carolina Economic Development Board appointed by Governor Easley and the 600 members of the North Carolina Economic Developers Association have made film incentives a priority for 2004. The direct and indirect benefits to the State from filmmaking are substantial both in tax revenue generation and new job creation. The competition from other states and other countries has made the need for incentives paramount if North Carolina intends to remain third in the nation in film production. Failure to take quick and appropriate legislative action will ensure that filmmakers will continue to choose venues outside of North Carolina. Film production has the unique opportunity to create new investments in the State within a short period of time. If appropriate incentives are passed the return on the investment can be immediate.
3. Planning. Special legislation (or support of general legislation) to provide the City with more options for meeting Council-established planning objectives, such as economic development and affordable housing. These may be more appropriate for the 2005 long session, but it is not too early to begin discussing them.
4. Alcoholic Beverage Control Board. Increase the Alcoholic Beverage Control Board membership from 3 members to 5 members.

OTHER LOCAL LEGISLATIVE EFFORTS. The Asheville Chamber of Commerce legislative task force has been meeting for several months, and has formulated an agenda for local legislative priorities that it proposes to support. The legislative task force also adopted agendas of State

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and federal priorities. Although more regional in scope, some of these items have potential effects for Asheville.

Upon inquiry of Councilman Dunn, Mayor Worley explained why legislative requests are sent to our legislators if they are not unanimously supported by City Council.

Upon inquiry of Vice-Mayor Mumpower, City Attorney Oast said that we are exploring the possibility of asking for authority to set limits on how much towings can cost.

Councilman Newman said that there are a number of issues that the General Assembly is dealing with that are relevant to cities across the state. He would be interested in having an opportunity for Council to talk about some of those issues and see if we want to take a position on them one way or another. Some are unlikely to be resolved in the Short Session, but it's never too early to get ideas out there. Some items he would like discussion on is the issue regarding campaign finance reform that is specifically about giving local governments the authority to enact local campaign finance reform. That is relevant to Asheville. We have talked to them about the Water Authority and if we want resolution of that, it will take legislative action. In addition, there is the Civic Center financing. How some of the property tax exemptions for some of the non-profit retirement centers in our community need to be discussed. There are efforts at the state level to look at some of the state's transportation policies with the idea of giving local governments greater ability to decide how those dollars are spent and having more flexibility. He suggested a date by which Council can, as a group, resolve some issues so we can have our position on those items and our legislative agenda sent to our legislators.

Vice-Mayor Mumpower was very interested in exploring some of the items mentioned by Councilman Newman but was concerned that there may not be enough time with just one worksession in April.

City Attorney Oast said that the convening date is May 10 and the deadline for submission of local bills to Bill Drafting is May 19. He said that he would bring back the legislative agenda for Council review in mid-April, for adoption at the end of April.



## FEDERAL INITIATIVES

Economic Development Director Mac Williams said that this is the federal budget process is underway for Fiscal Year 2005. An official city agenda is needed to ensure that important city projects are considered by legislators during the appropriations process.

Input has been solicited from members of City Council, city staff, as well as from the City of Asheville federal lobbyist, Ball-Janik, to help determine a prioritized list of projects for inclusion on the City's Fiscal Year 2005 official federal agenda.

Based on input received to date and on recommendations from Ball-Janik, the following are recommended as priorities for the Fiscal Year 2005 federal agenda:

### Appropriations Requests:

Economic Development - Renovation of Pack Square - \$1.5 million  
Transportation - City Bus Fleet Replacement – 30 ft. bus - \$290,000  
- Asheville Riverway – PE and Design - \$600,000  
Homeland Security - Digital Platform Upgrades for Police/Fire Comm. -  
\$2.75 million  
Public Health - Water System Infrastructure Upgrades - \$600,000

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### Non-Appropriations Requests:

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Transit Issue - Section 5307  
S. 150 - Internet Tax Non-discrimination Act

Staff recommends City Council approve the above items as the priority items for the official Fiscal Year 2005 City of Asheville federal agenda.

Mr. Williams explained that Vice-Mayor Mumpower's issue regarding the Civic Center designation is not specifically noted, but it is an issue on the lobbyist's agenda should we pursue it for technical assistance.

Upon inquiry of Vice-Mayor Mumpower, Mr. Williams explained the Memorial Stadium effort was a staff presentation to the lobbyist. It was his understanding from the lobbyist that we had to go back through and pare down what we thought was important, given that there were 4-5 of those similarly related projects. He believed that they looked at the Memorial Stadium effort as a project that needed a little more support from other resources and perhaps a designation from an historic agency. Mayor Worley also noted that he talked with the lobbyist and one of the major concerns was there was no historic designation that would put it in a much better position to receive federal funding. Vice-Mayor Mumpower felt Congressman Taylor was going to pursue this effort and would be interested in hearing thoughts on what the lobbyist thinks we need to do as homework.

Councilwoman Jones felt that the City Council's federal legislative agenda should be agreed on by the entire body. Furthermore, perhaps Council needs to discuss what we, as a City, are going to ask our congressmen and our senators to do.

Information was shared about the appropriations and non-appropriation requests.

Upon inquiry of Vice-Mayor Mumpower regarding the \$1.5 Million for the renovation of Pack Square, City Manager Westbrook said that the City will revise that amount down as the project develops in the near future. The appropriate request may not be that much, but if it is an issue we feel, with the private sector part, lines up well with the federal goals and priorities.

Vice-Mayor Mumpower felt some items on the federal agenda have real substance, but he saw some padding. As someone who spoke against hiring a lobbyist, he was not encouraged by what the City has gotten for our money.

Councilwoman Jones spoke in support of the high integrity and hard work our lobbyists are doing on Asheville's behalf.

City Engineer Cathy Ball responded to Councilman Newman's suggestion regarding traffic signalization funding.

There was a brief discussion, initiated by Vice-Mayor Mumpower, about grants or funding available for drug interdiction.

At 7:12 p.m., Mayor Worley announced a short recess.

Mayor Worley asked that the record show that City Council received this information and instructed the City Manager to place this item on the next formal City Council agenda.

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### **MID-YEAR BUDGET ADJUSTMENTS**

Mayor Worley said the Fiscal Year 2003-2004 Annual Budget Ordinance included an appropriation of \$563,146 for the City to begin making financial contributions to the Social Security system on behalf of firefighters. This contribution, however, was contingent upon a majority of firefighters formally voting to participate in the system. On October 27, 2003, firefighters voted not to participate in Social Security. This leaves \$563,146 in the budget that can theoretically be used for other priorities.

Recently, a few members of Council have expressed an interest in reallocating the Social Security appropriation to other projects (a list of possible projects as identified by Council is below, totaling \$130,000). Before any decisions are made in this regard, he feels that it is necessary to remind Council that a large portion of the firefighters' Social Security budget was funded with a fund balance appropriation. Specifically, Social Security was funded in the following manner:

Funding Sources:

Appropriated Fund Balance	\$315,000
General Fund Revenue	<u>\$248,146</u>
Total	\$563,146

Since the fund balance is typically only used for emergencies, unforeseen mandates or other critical, unanticipated needs, and does not represent a permanent revenue source, the portion of the firefighters' Social Security appropriation that was supported by fund balance (\$315,000) should not be reallocated to new programs, but allowed to revert back to the fund balance in order to provide a buffer for future uncertainties.

If a majority of Council wishes to use the remaining \$248,146 of the firefighters' Social Security appropriation, which is supported by true general fund revenue, he recommended that it be allocated in a manner consistent with the priorities established in the Fiscal Year 2003-2004 budget. The following Council members explained why they felt their suggested adjustments had merit:

Terry Bellamy:

- Adding additional funds for our sidewalk fund. Engineering is currently looking at a reengineering plan to add more manpower, so additional funds would be needed. - No specified amount recommended (N/A)
- Develop a new plan for the South Pack Square district. Current plan is over ten years old and needs to be updated. If Council made it a priority, City Planning would respond. - N/A
- There is interest from the community in improving W.C. Reid Center. Some improvement over the next few years is provided for in the current CIP. Would like to see a master plan for improvements. - N/A

Joe Dunn:

- A portion should go to renovation of Hall Fletcher playground (\$80,000). Does not see a great need to spend it all in the first place - \$80,000

Holly Jones

- Requests a \$25,000 grant to the WNC Veterans Memorial Association to support their Memorial effort on Pack Square - \$25,000

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Brownie Newman:

- Prefers not to make major budget amendments at this point, but supports idea to renovate the Hall Fletcher playground - N/A

Carl Mumpower:

- \$50,000 to cover cost of two new Quick Response Vehicles (QRV) for fire department. -\$50,000
- Consideration of ongoing funding for APD public housing and street level drug interdiction initiatives – most specifically compensation for loss of anticipated \$132,131 due to the recent denial of a COPS Homeland Security Overtime Grant - \$132,131
- Actively work to maintain fund balance at current levels. - N/A
- Gym equipment at fire/police station is in need of upgrade and improvement. Some near-term consideration of this expenditure might be worthy of further discussion. - N/A

Regarding Vice-Mayor Mumpower's request about the denial of a COPS grant, City Manager Westbrook explained that we budgeted for the work in the Housing Authority projects and then applied for the grant. Even though we did not get the grant, it won't stop the work we are doing in those areas. However, there are at least four activities that will have a significant impact on the Police Department's overtime budget (approximately \$60,000) but we won't know that figure until we get close to June 30 and then if necessary, a budget amendment may be necessary. Vice-Mayor Mumpower then adjusted his suggested amount to \$60,000 instead of \$132,131, which covered the entire grant.

Discussion then surrounded each request and members of Council either spoke in support of the expenditure or why they did not feel the expenditure was appropriate at this time.

After discussion, the following directions were given to City staff:

- \$93,000 of additional funds for our sidewalk program. Show of hands showed the adjustment would not be prepared. 3-4 vote with Councilwoman Bellamy, Councilwoman Jones and Councilman Dunn voting "yes" and Mayor Worley, Vice-Mayor Mumpower, Councilman Davis and Councilman Newman voting "no."
- \$80,000 for renovation of Hall Fletcher Playground. Show of hands showed the adjustment would be prepared. 4-3 vote with Councilwoman Bellamy, Councilwoman Jones, Councilman Dunn and Councilman Newman voting "yes" and Mayor Worley, Vice-Mayor Mumpower and Councilman Davis voting "no."
- \$50,000 for two new QRV's for Fire Department. Show of hands showed the adjustment would be prepared by a unanimous vote.
- \$25,000 for WNC Veterans Memorial Association for their memorial effort on Pack Square. Show of hands showed the adjustment would be prepared. 5-2 vote with Mayor Worley, Councilwoman Bellamy, Councilwoman Jones, Councilman Dunn and Councilman Newman voting "yes" and Vice-Mayor Mumpower and Councilman Davis voting "no."

Mayor Worley asked that the record show that City Council received this information and instructed the City Manager to place this item on the next formal City Council agenda.

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## **BOARDS & COMMISSIONS**

It was the consensus of City Council to arrange interviews for the following people for a vacancy on the Asheville-Buncombe Historic Resources Commission: Marsha Shortell and Diane Duermit.

## **CLOSED SESSION**

At 8:12 p.m., Councilman Dunn moved to go into closed session for the following reason: 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 lawsuits involving the following parties: Eugene Ellison and Howard McGlohon; Texas Roadhouse Holdings, LLC; Paul M. Young; Trustees of Biltmore Masonic Lodge; and City of Asheville. The statutory authorization is contained in G.S. 143-318.11(a)(3). The motion was seconded by Councilwoman Bellamy and carried unanimously.

At 8:34 p.m., Councilwoman Bellamy moved to come out of closed session. This motion was seconded by Councilwoman Jones and carried unanimously.

**ADJOURNMENT:**

Mayor Worley adjourned the meeting at 8:34 p.m.

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CITY CLERK

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MAYOR