

Tuesday – November 11, 2008 - 5:00 p.m.

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Jan B. Davis; Councilwoman Robin L. Cape; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; Councilman William A. Russell Jr.; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

- Question Why Youth Leaders led City Council in the Pledge of Allegiance and explained the purpose of their state-wide program, which is to empower youth as advocates in the community.

INVOCATION

Councilwoman Cape gave the invocation, along with a brief history of Veterans Day.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING NOVEMBER 12, 2008, AS "PREMATURITY AWARENESS DAY"

Mayor Bellamy read the proclamation proclaiming November 12, 2008, as "Prematurity Awareness Day" in the City of Asheville. She presented the proclamation to Ms. Debra Couch, Division Director for the Pisgah Division of March of Dimes, who briefed City Council on some activities taking place during the day. She was also pleased to recognize Ms. Tess McCutcheon, a 6 years old girl who was four months premature, and her sister Kate.

II. CONSENT AGENDA:

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

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 28, 2008

B. RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE DEPARTMENT OF JUSTICE OFFICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FOR THE EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT FOR THE POLICE DEPARTMENT'S APPROPRIATE AND EFFECTIVE FORCE OPTIONS INITIATIVE

BUDGET AMENDMENT FROM THE EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT FOR THE POLICE DEPARTMENT'S APPROPRIATE AND EFFECTIVE FORCE OPTIONS INITIATIVE

These items were removed from the Consent Agenda for discussion and/or individual votes.

C. RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A GASID RESPONDER RCI SPECTROMETER FOR THE IDENTIFICATION OF UNKNOWN CHEMICAL GAS, SOLID AND/OR LIQUID FOR HAZARDOUS MATERIAL RESPONSE FROM A "SOLE SOURCE" UTILIZING STATE HOMELAND SECURITY GRANT MONIES

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

D. RESOLUTION NO. 08-222 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE WACKENHUT CORPORATION TO PROVIDE SECURITY SERVICES IN THE THREE MUNICIPALLY OWNED PARKING GARAGES

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with The Wackenhut Corporation to provide security services in the three municipally owned parking garages.

The City of Asheville owns and operates three municipal parking garages: Civic Center, Rankin Avenue, and Wall Street.

These facilities operate around the clock and are utilized by approximately 580,000 parking customers annually. The security and safety of these patrons and City employees are the top priority of the City. Protection of City owned property and privately owned vehicles are also very important.

Security staff consisting of city staff and contract security officers, currently provided by The Wackenhut Corporation, provides unarmed security services in the garages and the small parking facility known as Handy Park on a 24 hour a day basis every day of the year. City employed security guards work primarily during normal business days from 7:00 a.m. to 11:00 p.m. Contract security personnel work the 11:00 p.m. to 7:00 a.m. shift and weekends/holidays.

Security is provided by performing random vehicular and walking patrols thru the garages to include stairwells, elevators, and the exterior perimeter to deter theft, loitering and vandalism in and around the facilities. In addition, security staff assists customers to exit the facility if they have difficulty and also provide escorts at night to anyone requesting the service. The City of Asheville provides the vehicle for patrols.

On August 25, 2008, Parking Services requested proposals from qualified vendors to provide unarmed security patrols in the facilities. The contract is to run for three years. Proposals were received from four security firms ranging from local security firms to international firms with local branches. All are qualified firms that meet the requirements set forth.

Requests were made for two proposals in which each firm would provide security personnel without a vehicle and with a vehicle. This allowed Parking Services to determine which option was most cost effective for the City. It is still more cost effective for Parking Services to provide the patrol vehicle. Proposals ranged from \$63,492 to \$77,500 per year without vehicle and \$74,232 to \$91,280 with vehicle. In both scenarios The Wackenhut Corporation submitted the lowest proposal. All proposals, for security services without vehicle, are within the estimated range that is in the Fiscal Year 2008-09 budget.

This action complies with the City Council Strategic Operating Plan in that it improves safety and security of parking patrons in the parking facilities. In addition, having personnel on at all times provides better customer service for the public.

This action complies with the recently adopted Parking Study in that security in the facilities, especially Civic Center Garage, was identified as a concern.

Pros:

- Twenty-four hour security provides a safer environment for staff and patrons,
- Customer service is enhanced by having security available all the time,
- Selecting The Wackenhut Corporation will eliminate any inconvenience to the public as they are already trained and familiar with garage operations.

Con:

- The contract amount is approximately 7% higher than the existing contract signed five years ago.

There is no adverse fiscal impact due to this project. Funds for security services were authorized in the Fiscal Year 2008-09 Operating Budget for Parking Services and are still available.

City staff recommends City Council adopt a resolution authorizing the City Manager to sign a contract with The Wackenhut Corporation to provide unarmed security services in the three municipally owned parking garages.

RESOLUTION BOOK NO. 31 – PAGE 360

E. RESOLUTION NO. 08-223 - RESOLUTION OF INTENT TO CLOSE A PORTION OF FERNWOOD AVENUE AND SETTING A PUBLIC HEARING ON DECEMBER 9, 2008

Summary: The consideration of a resolution of intent to close an unopened portion of Fernwood Avenue and request a public hearing for December 9, 2008, regarding this issue.

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

Pursuant to this statute, property owners; Myra Hirschberg and Thomas Caldwell, Adam S. Pittman Guy K. Penland, Anita F. Hatcher, Lisa R. Mathis, Kay Susan Bennett, and Robert J and Phyllis Roberson have requested the City of Asheville to permanently close an unopened portion of Fernwood Avenue.

The Greenway Commission is scheduled to review the closure of the unopened portion of Fernwood Avenue at their

meeting on November 13, 2008.

This action complies with the Strategic Operating Plan in that the closure allows maximum land use potential for further development complying with the Asheville City Development Plan, Land Use.

Pros:

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

Con:

- In consideration of the location of the unopened right-of-way, staff can find no potential challenges regarding the closure of the alley.

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution setting a public hearing for December 9, 2008, to close an unopened portion of Fernwood Avenue.

RESOLUTION BOOK NO. 31 – PAGE 361

F. RESOLUTION NO. 08-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE OPTION TO PURCHASE A PORTION OF PROPERTY LOCATED AT 217 PEACOCK LANE FOR THE CONSTRUCTION OF A NEW WATER PUMPING STATION AS PART OF THE WESTON ROAD REVENUE BOND PROJECT

Summary: The consideration of a resolution authorizing the Mayor and City Council to approve the City Manager to, on behalf of the City of Asheville, execute the option to purchase from Dunbar Apartments, LLC and purchase the parcel in question for \$60,000, for an 0.85 acre parcel of property required for the construction of a new water pumping station as part of the Weston Road Revenue Bond Project.

In 2007, the City of Asheville received \$40 million in revenue bond funds for water system improvements. As part of the 11 revenue bond projects, there are miscellaneous expenses that could not be planned for until the projects were underway. In addition, the N.C. Dept. of Transportation has not approved work in state right-of-way, which means easements or parcels of property must be purchased from homeowners to complete work on these projects in a timely manner. The land purchase needed for the Weston Road Revenue Bond Project is \$60,000 and needs to be approved separately by City Council. There may be additional land purchases in order to complete these projects on schedule and on budget.

A formal appraisal of this property was not performed. Based on the appraised tax value of Dunbar's land, this 0.85 acre is valued at \$80,000. We proceeded with pursuing the purchase under the premise that if the property could be obtained for appraised tax value, or less, a formal appraisal would not be required.

This action complies with the Strategic Operating Plan regarding Infrastructure improvements.

Pros:

- This land purchase will expedite the Weston Road Revenue Bond Project, which will help to enhance customer service, water service reliability and fire flow to commercial and residential customers.
- This action has already been budgeted and does not require reallocation of funds from another capital project.

Con:

- Without this land purchase, the Weston Road Revenue Bond Project will not be completed on schedule or on budget.

This land purchase for \$60,000 has been budgeted in the existing Weston Road Project and does not need to be reallocated from other capital projects.

City staff recommends the City Manager execute on behalf of the City of Asheville the option to purchase from Dunbar Apartments, LLC for \$60,000 for an 0.85 acre parcel of property required for the construction of a new water pumping station as part of the Weston Road Revenue Bond Project.

RESOLUTION BOOK NO. 31 – PAGE 362

G. RESOLUTION NO. 08-225 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER

INCREASING HICKORY CONSTRUCTION COMPANY'S CONTRACT FOR IMPROVEMENTS AT THE NORTH FORK AND WILLIAM DEBRUHL WATER TREATMENT PLANTS AND TO APPROVE THE PURCHASE OF MATERIALS NEEDED TO COMPLETE THIS PROJECT

ORDINANCE NO. 3671 - BUDGET AMENDMENT REALLOCATING EXISTING FUNDING FROM THE WATER DISTRIBUTION CAPITAL PROJECT

Summary: The consideration of a resolution authorizing the City Manager to sign a change order increasing Hickory Construction Company's contract amount of \$6,432,361.43 for the improvements at the North Fork and William DeBruhl (Bee Tree) Water Treatment Plants to \$6,869,861.43 and to approve the purchase of materials needed to complete this project at an estimated cost of \$172,000; and the associated budget amendment.

The City of Asheville Water Resources Department has an existing contract with Hickory Construction Company to make improvements to the North Fork and William DeBruhl water plants at a cost of \$6,432,361.43. This work is necessary to remedy serious defects in the chemical feed systems at both water plants that were discovered during the construction process. These defects were not apparent during the design process for the project and would have been included in the work by the consulting engineering firm. This work is consistent with the other chemical feed improvements that Hickory Construction has performed on the project. During construction, it was discovered that the chemical feed system at North Fork has aged to the point of failure and several dangerous leaks have occurred recently. This system is the primary disinfectant system for the majority of the treated water delivered to the water system customers. If this system fails, it will prevent the North Fork from treating water and the City would have to declare a state of emergency due to the inability to supply treated water to its customers. The department's goal is to install a replacement system as quickly and efficiently as possible via change order to the existing construction contract with Hickory Construction Company. Additional and similar work at William DeBruhl will also be included in the change order. By using the existing contractor on site, Hickory Construction, the City will save approximately \$272,500. This additional work will cost approximately \$437,500, thereby increasing Hickory Construction Company's contract amount from \$6,432,361.43 to \$6,869,861.43.

The materials needed to complete this project will be bid out separately by the City's Purchasing Division. Brown and Caldwell Consulting Engineers have estimated the cost of materials to be \$172,000. With the \$437,500 construction change order and the \$172,000 material cost, the estimated cost for the Chemical Feed Replacement is \$609,500.

This action applies with the Strategic Operating Plan regarding the improvement of City infrastructure.

Pros:

- This project will ensure North Fork can continue to supply treated water to system customers, provide better safety for employees working around water treatment chemicals, and ensure all federal and state mandated clean water drinking act regulations are met.
- The \$172,000 cost of materials is budgeted in the existing North Fork Upgrade Continuation Project and will not need be reallocated from another capital project.

Con:

- Funding for the construction change order increase requires \$437,500 to be reallocated from another capital project.

Hickory Construction's contract amount of \$6,432,361.43 will increase by \$437,500 to \$6,869,861.43. These funds are not available within the project budget and will be reallocated from another capital project. The additional materials are an unexpected expense and will cost approximately \$172,000. These funds are available in the existing North Fork Upgrade Continuation Project budget and will not be reallocated from another capital project.

City staff recommends City Council (1) authorize the City Manager to sign a change order increasing Hickory Construction Company's contract amount of \$6,432,361.43 for the improvements at the North Fork and William DeBruhl (Bee Tree) Water Treatment Plants to \$6,869,861.43 and to approve the purchase of materials needed to complete this project at an estimated cost of \$172,000; and (2) adopt the associated budget amendment, in the amount of \$437,500.

**RESOLUTION BOOK NO. 31 – PAGE 363
ORDINANCE BOOK NO. 25 – PAGE**

Mayor Bellamy said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

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

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

ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND/OR INDIVIDUAL VOTES

B. RESOLUTION NO. 08-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE DEPARTMENT OF JUSTICE OFFICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FOR THE EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT FOR THE POLICE DEPARTMENT'S APPROPRIATE AND EFFECTIVE FORCE OPTIONS INITIATIVE

ORDINANCE NO. 3670 - BUDGET AMENDMENT FROM THE EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT FOR THE POLICE DEPARTMENT'S APPROPRIATE AND EFFECTIVE FORCE OPTIONS INITIATIVE

Summary: The consideration of a resolution authorizing the City Manager to accept grant funds under Department of Justice Office, Office of the Justice Programs, Bureau of Justice Assistance for the Edward Byrne Memorial Discretionary Grant for Asheville Police Department's Appropriate and Effective Force Options Initiative (AEFOI); and the associated budget amendment, in the amount of \$201,228.

The City of Asheville has been awarded a grant from Department of Justice Office, Office of the Justice Programs, Bureau of Justice Assistance for the Edward Byrne Memorial Discretionary Grant for Asheville Police Department's Appropriate and Effective Force Options Initiative in the amount of \$201,228 with no local match. The purpose of the grant program is to fund Asheville Police Department's effective use of force initiative. APD needs to tailor our training to make it as realistic as possible without putting our officers in danger. Through AEFOI, APD plans to incorporate specialized training in the areas of weapons use and vehicle operation with interactive driver and use of force training simulators. Officers will be able to *more* efficiently evaluate and provide what is needed to diffuse situations properly. This will likely reduce injuries to citizens and officer's, as well as provide for better court testimony and reduce departmental liability.

Below is the description of simulator products.

| | |
|--|-----------|
| MILO Range PRO System | \$62,765 |
| Advanced Emergency Vehicle Operator System | \$138,200 |
| Total of Federal grant funds: | \$200,965 |

This action complies with City Council's Strategic Operating Plan in the Focus Area: Safe - Asheville will be one of the safest and most secure communities when compared to similar cities.

Pros:

- Will contribute to the abilities and articulation of the necessary application of force in various situations and likely reduce officer involved vehicle accidents.
- By reducing injuries to law enforcement as well as the public, this will aid in quality of life issues.
- Will enhance the officer safety mindset needed by APD officers, and allow for continual improvements in officer safety through the implementation of AEFOI.

Con:

- The City Of Asheville and the Asheville Police Department would be required to maintain the upkeep of the equipment, replacing equipment components when needed.

There is no fiscal impact with this grant as there is no match required. The acquisition will enable us to enhance officer training and effectiveness at no additional direct cost.

City staff recommends City Council adopt (1) the resolution authorizing the City Manager to enter into an agreement with Department of Justice Office, Office of the Justice Programs, Bureau of Justice Assistance for the Edward Byrne Memorial Discretionary Grant; and (2) the associated budget amendment, in the amount of \$201,228.

Councilman Mumpower spoke against using borrowed money for police functions that we are capable of providing for ourselves.

Councilman Newman moved to approve Resolution No. 08-220. This motion was seconded by Vice-Mayor Davis and carried on a 6-1 vote, with Councilman Mumpower voting "no."

RESOLUTION BOOK NO. 31 – PAGE 354

Councilman Newman moved to approve Ordinance No. 3670. This motion was seconded by Vice-Mayor Davis and carried on a 6-1 vote, with Councilman Mumpower voting “no.”

ORDINANCE BOOK NO. 25 – PAGE

C. **RESOLUTION NO. 08-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A GASID RESPONDER RCI SPECTROMETER FOR THE IDENTIFICATION OF UNKNOWN CHEMICAL GAS, SOLID AND/OR LIQUID FOR HAZARDOUS MATERIAL RESPONSE FROM A “SOLE SOURCE” UTILIZING STATE HOMELAND SECURITY GRANT MONIES**

Summary: The consideration of a resolution authorizing the City Manager to accept the purchase of a GASID and Responder RCI Spectrometer for the identification of unknown chemical gas, solid and/or liquid for hazardous material response from a “Sole Source” utilizing State Homeland Security Grant Money in the purchase amount of \$99,455.00.

This grant is from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management for the procurement of equipment to be used by Hazardous Materials Regional Response Team 6 – Asheville.

The U.S. Department of Homeland Security and the Office of Domestic Preparedness has made funds available through State Homeland Security Grant Number: Fiscal Year (FY) 2007-GE-T7-0048-1016 to implement the State Homeland Security Strategy. The strategy identifies the NC Hazardous Materials Regional Response Teams (RRT) as an integral component of North Carolina's preparation and response to manmade and natural emergencies and disasters. The equipment is to be used in the field to detect and identify unknown and potentially hazardous chemical gases, solids and/or liquids during a hazardous material response

Each of the other six RRT's has procured these specific pieces of equipment from the Sole Source vendor of Smith Detection. Smith Detection is the sole manufacturer and distributor of the GASID and Responder RCI. There are no other comparable pieces of equipment that will be able to identify specific hazardous gases, solids and/or liquids with the accuracy and reliability as the GASID and Responder RCI.

The equipment consists of a spectrometer that identifies chemical components that lie within the gas sample while the Responder RCI (Raman spectrometer) detects chemicals that are held within a solid and/or liquid. Both pieces of equipment include libraries for Nerve and Blister Agents, Common Chemicals, Explosives, Solvents and Forensics.

This equipment provided through this grant will become the property of the Asheville City Government.

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

Pros:

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

Con:

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

Accepting this grant allows the City to enhance services without an increase in capital expenditures.

City staff recommends that City Council accept the purchase of the GASID and Responder RCI from a Sole Source utilizing State Homeland Security Grant funds to protect Asheville and Western North Carolina.

Councilman Mumpower moved for the adoption of Resolution No. 08-221. This motion was seconded by Vice-Mayor

Davis and carried unanimously.

RESOLUTION BOOK NO. 31 – PAGE 355

III. PRESENTATIONS & REPORTS:

A. FUEL UPDATE

City Manager Gary Jackson said that we continue to work on a higher level of preparedness for fuel supply for our region from an intergovernmental relations perspective.

Assistant City Attorney Jeff Richardson and Fire Chief Greg Grayson are meeting next week with Mr. Joe C. McKinney, Executive Director of the Land-of-Sky Regional Council of Governments, to discuss a regional approach of strategies to address the fuel supply issue for our region.

In addition, city government staff and Buncombe County emergency services staff continue to discuss multiple operational strategies to better copy for city government operations as we work towards the Fiscal Year 2009-10 budget process.

Mayor Bellamy noted that a report would be forthcoming regarding the outcome of the meeting with the Land-of-Sky Regional Council of Governments.

B. TRANSIT COMMISSION REPORT

Ms. Hanna Raskin, Co-Chair of the Asheville Transit Commission, said that Asheville established its board and commission system so "citizens can provide input on the policies that shape their government and their city." But, there is currently no board or commission charged with providing advice pertaining to parking, a major subset of the City's budget. The members of the Transit Commission asked Council to consider rectifying this oversight by placing parking within their Commission's purview.

The nearly three dozen citizen Boards and Commissions advise the City on such diverse matters as housing, crime and public art, issues united by the role they play in citizens' daily lives. Yet surely there is no issue residents and tourists confront as frequently as parking. According to a recent study, more than 12,000 drivers seek a downtown parking spot every weekday. The availability of parking is central to Asheville's growth and economic development.

The link between parking and transit is a natural one, particularly as the City considers programs such as Park-and-Ride. As the City's Transportation and Engineering Department seeks increasingly multimodal solutions to our citizens' transit needs, it makes sense for the City's Board and Commission structure to embrace the same organic approach.

The Transit Commission is already involved with facilitating travel, easing congestion and building a thriving downtown. Rather than invent a new commission -- which would require additional staff hours, member recruitment and training -- they propose their purview be expanded to include parking, thereby creating another level of oversight without creating another layer of bureaucracy.

The Transit Commission has voted unanimously in support of this plan, and they hoped the Council sees fit to adopt it.

Vice-Mayor Davis said that when this issue was initially proposed, the Boards & Commissions Committee discussed it and asked for the Director of Transportation and Engineer's thoughts. At that time, the Director did not feel the need to expand the duties of the Transit Commission. As he personally has some difficulty in expanding the duties to such an extreme degree without a detailed staff report from the affected Departments. He suggested the matter be referred to the Boards & Commissions Committee for discussion and recommendation.

Councilman Newman, liaison to the Transit Commission, agreed for the need of staff's prospective (transit, parking and other areas) on this proposal. He supported the Boards & Commissions review of the proposal after staff input. He wondered if the proposal outlined might not go far enough in terms of broadening the scope of the Transit Commission. He thought the Commission was thinking of a Transit Demand Management Commission to look at all the different types of opportunities we have in Asheville to address traffic and transportation related issues.

Mr. Ryan Pickens, Co-Chair of the Transit Commission, said the Commission did discuss the broader scope of the Commission. However, since there is not an oversight board for parking, that was their initial first step. He felt the Commission would support the broader responsibilities described by Councilman Newman, however, if the Commission did expand, they would request the number of seats on the Commission expand as well.

Councilman Mumpower believed in advisory boards and hoped that City Council would solicit the Transit Commission's recommendations in issues regarding the Transit System.

Vice-Mayor Davis agreed with Councilman Newman that staff input consist of not only the transit and parking staff, but the Office of Economic Development, Planning staff and staff that are directly impacted by parking. He also wondered if we could include not only downtown parking, but Biltmore Village parking into this discussion as well.

In response to Councilwoman Jones, Councilman Newman wondered if we have the resources to study this matter now or if we should wait until the Transit Master Plan, which is well underway, is complete. He felt staff's feedback on the merits and timing of this would be helpful.

It was the consensus of Council to refer this matter to the Boards & Commissions Committee with input for appropriate City staff. She noted that when this matter is scheduled before the Boards & Commissions Committee that the co-chairs are made aware of the date and time.

IV. PUBLIC HEARINGS:

A. WITHDRAWAL OF REQUEST FOR A CONDITIONAL USE PERMIT FOR THE PROJECT IDENTIFIED AS HAYWOOD PARK MIXED-USE REDEVELOPMENT PROJECT

Mayor Bellamy said that this public hearing was held on September 23, 2008, and continued to this date.

Mr. W. Louis Bissette Jr., attorney representing the developer (Mr. Tony Fraga), said that after long and careful consideration his client has asked him to relay to Council his reconsideration of his request for a continuance. He decided it would not be in his best interest, or the best interest of the City's and its downtown to pursue the continuance. His client has asked him to advise Council that he is withdrawing his conditional use application. The reasons are as follows: 1) the project cannot be realistically revised to meet the Council's objections as to harmony and scale; (2) 500 underground parking spaces, \$3 Million in public benefits, LEED certification and other amenities require substantial density in order to pay for them and especially in downtown situations where that required density also requires height; (3) FIRC cannot substantially reduce the height of either of the two towers thereby reducing the number of units and still be able to deliver a project similar to the one described in their conditional use application to the City; (4) the City's application process has cost them significant time, money and energy. The delay in getting through the process has left them in a very difficult time economically. It appears to them that it could now be at least several years before the economic climate will be right for the development of such a significant project; (5) in order to protect the property they own downtown and the businesses that surround it, they believe that their best course of action is to begin a program to re-lease their existing property and revitalize the existing Haywood Park Hotel. In order to do that, they will have to enter into leases that will preclude the significant redevelopment of their property for some time in the future; (6) finally, they are working very hard to keep their Enka and Westgate projects moving during this difficult time. The stalemate over the I-26 route is creating serious problems for them at Westgate. The uncertainty over the route selection is making it very difficult for them to market that project; (7) FIRC has a very large investment in the Asheville community and they will continue to work to protect that investment by concentrating their efforts on Westgate, Enka and re-leasing Haywood Park; and (8) with all due respect, the City of Asheville does not give much assistance to developers who are attempting to substantially invest in our City. It is possible that the present economic conditions may soon require the City to review its existing processes to be sure that the playing field is leveled for those who are willing to risk their time, money and energy in downtown Asheville.

Mayor Bellamy said that she had an opportunity to speak with Mr. Fraga about his desire to withdraw his application. She believed Mr. Fraga is a man of integrity, that he would not bribe Council and that he believed the project he proposed would benefit the community as a whole. She hoped that in the future Mr. Fraga would look at re-investing in downtown Asheville.

Councilman Mumpower felt that one of the things the developer was frustrated with was his accusation that he felt the developer was offering the City a \$3 Million bribe or the City was extorting the developer for \$3 Million. People don't give the City \$3 Million for no reason. He spoke with some of the developer's staff and it was their indication that the City's staff and the downtown planning staff both laid a pretty heavy hand on the developer pushing for a contribution of that dramatic nature. The procedures and ordinances adopted by Council has hampered the developer's ability to create a project with a clear sense of what is needed and what will produce a probable outcome. He felt that further deliberation on this issue is needed to look at our procedures and policies regarding unnecessary hurdles for our developers and how the process can be improved.

Mayor Bellamy didn't recall, prior to last week's discussion about a policy to allow a developer to pay into a fund designated for affordable housing, that there was any directive to staff to talk to developers about paying into a fund for a downtown development project. When The Ellington project was brought forward, that was the first time that a developer at that

level volunteered to provide money for affordable housing. There have been others before Council who have been asked about providing affordable housing in their projects, but there is no written policy in place requiring developers provide affordable housing or contribute to a fund or entity for affordable housing. She felt it was wrong to state that Mr. Fraga bribed City officials as that speaks to his integrity. When terms like bribery or extortion are used without evidence, it's slander. Mr. Fraga has come to Council twice in the last year with projects good for the community and he has been willing to work with the City on voluntary annexations into the City.

Councilwoman Cape felt that the Downtown Master Plan will provide clarify on what we want in the downtown area.

In response to Councilman Mumpower, City Manager Jackson said that on conditional use permits/zoning staff would, as a general rule, convey to the developer the strategic goals of Council, such as affordable housing, safe community, environmental sustainability, etc. If there are conditional use permits in the last two years that have been adopted by Council and a developer approaches the City with an application and asks how they can get a more probable outcome, staff will point them to prior approved conditional use permits and allow them to draw their own conclusions about how they interpret those decisions.

When Councilman Mumpower said that he was told that the staff's guidance was much more direct, City Manager Jackson said that if Mr. Fraga and Mr. Bisette would make that information available to him, he would be happy to follow-up, as he can deal with the facts if he knows them. Without knowing the specific dialogue, he cannot draw any judgments. As ethical behavior is a core value in his organization, he invited anyone to report to him any breach of integrity or unethical behavior as there will be an investigation and accountability for that. In addition, Council has already asked that the conditional use permit process be reviewed. That review is in progress and will be routed through the Planning & Zoning Commission and then onto Council in early 2009.

Councilwoman Jones appreciated Mayor Bellamy's comments regarding the integrity of Mr. Fraga. She felt compelled to state that the City's staff are honest, trustworthy and professionals in their jobs.

Mayor Bellamy also noted that the policy discussion of last week regarding a fund for affordable housing if developers wish to contribute has been referred to the Housing & Community Development Committee.

Mr. Bisette said that his client has the highest respect for City staff as they have gone above the line of duty to help get this project completed. There is no question in their minds of any impropriety by City staff members. As he does a lot of these type projects in the City, it is known in the development community that one of Council's goals is affordable housing and there should be a component in the project or a contribution to affordable housing. It is not in the ordinance, but it has grown into the process. In fact, he had one project that the reason why it was voted against was because it did not have an affordable housing component.

B. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING A PORTION OF SUMMIT AVENUE

RESOLUTION NO. 08-226 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF SUMMIT AVENUE

Mayor Bellamy opened the public hearing at 5:40 p.m.

Assistant Public Works Director Richard Grant said that this is the consideration of a resolution to permanently close a portion of Summit Avenue. This public hearing was advertised on October 17, 24, 31 and November 7, 2008.

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

Pursuant to this statute, the adjoining property owners; Victor C. Farmer, Theresa W. Hyler. Leonard C. and Nancy G. Hudgins, and Andrew J. and Kimberly L. Douglas have requested the City of Asheville to permanently close excess right-of-way on Summit Avenue.

The Greenway Commission reviewed the closure of the excess right-of-way on Summit Avenue at its meeting on October 9, 2008, and supports the closure of the excess right-of-way on Summit Avenue.

The closing will be submitted to the retention of two easements (1) Metropolitan Sewage District of Buncombe County, its successors and assigns, of a 20 feet wide permanent easement, for the operation and maintenance of a public sewer line, lying 10 feet on each side of said sewer line located and existing within the portion of Summit Street proposed to be permanently closed; and (2) PSNC Energy of Buncombe County, its successors and assigns, of a 10 feet wide permanent easement for the operation and maintenance of an existing 2-inch steel gas main pipeline, lying 5 feet on each side of said gas line located and existing within the portion of Summit Street that is proposed to be permanently closed.

This action complies with the Strategic Operating Plan in that this closure allows maximum land use potential for further development complying with the Asheville City Development Plan, Land Use.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties.
- The closing on both sides of Summit Avenue will not affect possible future roadway improvements.

Con:

- In consideration of the location of the excess right-of-way, staff can find no potential challenges regarding the closure of the alley.

There will be no fiscal impact related to this closure.

City staff recommends the adoption of the resolution to permanently close excess right of way on Summit Avenue.

Mayor Bellamy closed the public hearing at 5:42 p.m.

When Councilwoman Cape asked that the Bike Plan be looked at as well with closures, Mr. Grant said that happens in the Greenway Commission's review.

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

Councilwoman Jones moved for the adoption of Resolution No. 08-226. This motion was seconded by Councilman Mumpower and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 364

C. PUBLIC HEARING TO CONSIDER REZONING 235 AMBOY ROAD FROM RIVER DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RIVER DISTRICT

ORDINANCE NO. 3672 - ORDINANCE REZONING 235 AMBOY ROAD FROM RIVER DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RIVER DISTRICT

Mayor Bellamy opened the public hearing at 5:59 p.m.

Urban Planner Blake Esselstyn said that this is the consideration of an ordinance to rezone 235 Amboy Road from River District and RS-8 Residential Single-Family High Density District to River District. This public hearing was advertised on October 31 and November 7, 2008.

The applicant is requesting the rezoning of a parcel (currently split-zoned RS-8 and River) to designate it entirely River District. The area of the entire parcel is 0.67 acres, but the area to be rezoned is 0.38 acres. Much of the parcel is constrained, owing to its narrow shape, stream presence, flood hazard areas, setbacks, and buffer requirements. West of the stream, called Moore Branch, the south side of the parcel is dominated by a derelict building, and the northern portion is mostly vacant, with some outdoor storage.

The owner purchased the property in 2002 with hopes of an adaptive reuse of the building, but the floods of 2004 damaged the building to such an extent that renovation became prohibitively expensive. Potential redevelopment of a new business in the area currently zoned River is limited by the residentially-zoned portion of the property, owing to the River District's requirement of a 30-foot separation of non-residential uses from residential uses, the prohibition of outdoor storage of materials within 50 feet of a residential district, and the landscape ordinance's standard of a 30-foot buffer against RS-8 zoning.

Though the subject site only has direct frontage on State Street, the stream prevents access from that side of the property. The address of the existing building is an Amboy Road address, and a deteriorating paved driveway crossing the Progress Energy property to the south exists providing a connection to Amboy Road. A plat from 1946 identifies this access as a road called Flat Street, but the current tax maps no longer indicate a separate right-of-way extending all the way to the publicly maintained street. At the time of this writing, however, the agent for the property owner was still looking into the status of the access and through what process improvements on the driveway could be pursued.

The applicant is considering a variety of uses for the property in the short term, but has mentioned interest in a mixed use or loft project when the real estate market emerges from its downturn. Wishing to avoid the delay and expense of developing concept plans that might later change, the applicant elected to pursue a standard rezoning instead of conditional zoning. At the time of the application, staff felt the standard rezoning was fully supportable given the extent of area occupied by the required aquatic buffer for the stream, but subsequent to the application, a draft stormwater/erosion/sedimentation control ordinance was released which might reduce the buffer width for this site (this change will be discussed further below).

Almost the entire parcel is in the current 100-year floodplain, and the proposed new Special Flood Hazard Areas to be adopted next year would place *all* of its area in this classification. Such a designation requires that any development meet special building standards to protect against flood damage. Further, properties zoned River are subject to the design review process by the River District Design Review Committee (RDDRC) outlined in the Unified Development Ordinance (UDO). Accordingly, development of this property in a substandard manner under the proposed rezoning would be difficult if not impossible.

The current stormwater and erosion control ordinance mandates a 30-foot buffer from the top of bank of a named, jurisdictional stream such as Moore Branch. However, the draft ordinance mentioned above proposes a variable buffer width depending on the extent of disturbance and the slope of the land. On this relatively flat parcel, a project with less than 10,000 square feet of disturbance would only require a 15-foot buffer, and 10,000 to 21,999 square feet would require a 20-foot buffer. (More than 22,000 square feet of disturbance would not be (legally) feasible on this site.) This draft ordinance was considered by the Planning and Zoning Commission on October 23, 2008, but no action was taken. The Commission is expected to consider the matter again in December or January, and it could come before City Council in early 2009.

The existing 30-foot buffer requirement leaves a narrow strip along the west side of the area proposed for rezoning which would theoretically be developable, but which would be so thin as to make construction impracticable. With the potential reduction of the buffer, however, that area remains narrow—maybe 50 feet at its widest point—but wide enough to possibly erect structures upon. If a rezoning is approved under this second scenario, non-residential construction might occur across from the RS8 zoning, but it would be separated from the State Street frontage by the stream and two (minimum) 15-foot aquatic buffers flanking the stream. Further, no bridging of the stream or culverting, even for a pedestrian bridge, could occur without significant regulation, including oversight by the Army Corps of Engineers.

If the RS-8 zoning originally applied to this portion of land was intended to encourage single-family development paralleling the homes on the east side of the street, it appears that the presence of the stream may have been neglected, and the current challenges with developing near streams certainly unanticipated. Indeed, given the access issues, and applying the side and rear setbacks for RS-8 (the River district in this case would require no such setbacks), it would pose a challenge to site even one house on the three-eighths of an acre. Though the River zoning district does not require rear setbacks, it is worth noting that if the access on the west side of the property is determined to be a bona fide street, as is shown in the 1946 plat, the lot could be considered a through lot, and the front setback standard (15 feet) would be applied to the west side as well.

Another relevant development constraint which depends on future decisions is the landscape buffer at the northern boundary of this property. If the Carrier Point conditional zoning application mentioned above is approved, the buffer would only need to be 20 feet instead of 30. The River District standards would still require a 30 foot setback from the residential zoning, but fewer plantings would be required in the event of a multi-family zoning to the north. Though the future aquatic buffer, landscape buffer, and setbacks for this lot can not yet be precisely established, staff feels that the restrictions will be significant enough under any scenario to mitigate potential for incompatible development.

The RS-8 district was created to establish a high density per acre for single-family dwellings where public infrastructure is sufficient to support such development and to stabilize and protect the district's residential character in areas of existing high density single-family development while promoting a suitable environment for single-family living. Among other aims, the River district was established to protect the water resources and to promote economic revitalization throughout the river valleys while providing for an opportunity for enjoyment of the river by a maximum number of citizens, neighbors, and guests.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros

- Proposed zoning district is highly compatible with areas to west and south.
- Would remove presence of split zoning.
- Environmental and zoning constraints limit development options in subject area.
- Minimal potential for residential infill development under current single-family zoning.
- Would encourage development of a derelict site.
- Future development would be subject to River District design review and stringent floodplain standards.

Cons

- Uncertainty about extent of stream buffer protections and how much development might be permitted.
- Would result in a small loss of residentially zoned land.

The proposed rezoning could potentially provide some relief to the property owner for an unusually difficult piece of land with restrictive zoning, and the limited size of the resulting developable area would temper the prospective impact of a more permissive zoning district.

Mr. Dean Pistor, representing the developer, spoke in support of the rezoning and explained why the developer was not seeking conditional zoning. He urged Council to approve the rezoning in order to avoid additional hardship for his client.

Mayor Bellamy closed the public hearing at 6:07 p.m.

Mr. Esselstyn responded to Vice-Mayor Davis regarding road. He said that there is some potential for housing, but there would be restrictions because pretty much of the property is in the floodplain.

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

Councilwoman Jones moved for the adoption of Ordinance No. 3672. This motion was seconded by Councilman Newman and carried unanimously.

ORDINANCE BOOK NO. 25 – PAGE

V. UNFINISHED BUSINESS:

A. SECOND AND FINAL READING OF ORDINANCE NO. 3660 – ORDINANCE AMENDING CHAPTER 9 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES TO LEVY A TAX ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

RESOLUTION NO. 08-206 – RESOLUTION IMPOSING A TAX ON GROSS RECEIPTS FROM THE RETAIL SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

City Attorney Oast said that Ordinance No. 3660 was adopted on its first reading on October 28, 2008. Because of the 4-3 vote for approval, the ordinance must be brought back for a second and final reading. In addition, another vote is necessary to adopt Resolution No. 08-206 as well.

Councilman Russell researched this issue and briefly explained that this bill was proposed by the heavy equipment rental industry. They felt this was fair, revenue neutral and simply a better way to track the taxes. If not adopted, it would create one group of businesses that lease equipment that do not have to pay taxes. It would create a tax loophole for just heavy equipment.

In response to Councilman Russell, this would go into effect April 1, 2008.

Councilwoman Jones moved for the adoption of Ordinance No. 3660 on its second and final reading. This motion was seconded by Councilwoman Cape and carried on a 4-3 vote with Mayor Bellamy, Vice-Mayor Davis and Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 25 – PAGE

Councilwoman Cape moved for the adoption of Resolution No. 08-206. This motion was seconded by Councilwoman Jones and carried on a 4-3 vote with Mayor Bellamy, Vice-Mayor Davis and Councilman Mumpower voting "no."

RESOLUTION BOOK NO. 31 – PAGE 333

B. RESOLUTION NO. 08-227 - RESOLUTION ESTABLISHING A CITY AND COUNTY HOMELESS INITIATIVE ADVISORY COMMITTEE

Community Development Director Vann McNeill said that this is the consideration of a resolution to authorize the creation of a joint city of Asheville and Buncombe County Homeless Initiative Advisory Committee (HIAC) to provide oversight and guidance for the implementation of the 10-year Plan to End Homelessness.

The 10-year Plan to End Homelessness (the Plan) was adopted by the City Council and the County Commission in January 2005. To further the Plan recommendations, in July of 2006, decision makers from the public, private, and non-profit sector began to meet as an informal advisory working group to increase collaboration among the many agencies working on homelessness issues. In November of 2007, the City of Asheville assumed the role of Lead Agency for Plan implementation and selected a Homeless Initiative Coordinator, Amy Sawyer, to track progress, give regular updates on achieving the Plan's goals and facilitate broad community support for the Plan.

To further emphasize the City's commitment to the Plan, the City's Committee on Board's and Commissions met on October 21, 2008, and recommended the creation of an HIAC to further support the goals of the Plan. This HIAC must be created by resolution with a purpose of providing thoughtful and reasoned guidance to City Council and the County Commission on policy issues, programs and funding strategies designed to end homelessness. To support the initiative, the Board of County Commissioners unanimously approved the joint City/County Housing Initiative Advisory Committee at their November 4, 2008, regular meeting.

This request supports and implements the City's 2008-09 Strategic Plan goal of affordability by supporting initiatives to end homelessness, the 2005-10 Consolidated Strategic Plan for HUD funds, and the Continuum of Care Plan and 10-year Plan to End Homelessness.

Pros:

- Represents an important endorsement and evolution in the City's and County's commitment to the 10-year Plan to End Homelessness by creating an advisory committee to focus on the issues of homelessness.
- Carries over and formalizes the existing advisory group, which allows for an uninterrupted continuation of the work on homeless issues by those agencies already collaborating on homeless issues.
- Consistent with the goals identified in the City's 5-year Consolidated Strategic Plan for the expenditure of its federal CDBG and HOME Program funds (over \$1.2m committed to projects and services targeted to the homeless over last 2 years).
- Strengthens the partnership between the City, County and the homeless service providers in their commitment to ending homelessness.

Con:

- Creating a joint, formal advisory committee, as an intermediate body, may slow down or delay action. The HIAC will now be required to work through the HCD Committee review process to present policies for consideration by City Council. Reviews and approvals by the County Commissioners may also be required.

The fiscal impact will be incidental expenses associated with administrative work.

City staff recommends City Council approve a resolution authorizing the creation of a joint City of Asheville and Buncombe County Homeless Initiative Advisory Committee to provide oversight, guidance and recommendations for the implementation of the 10-year Plan to End Homelessness.

Mr. Lance Edwards, Chair of the Homeless Initiative Advisory Committee, explained how the group went through a strategic planning process and they identified the following four key focus areas (1) improve collection, coordination and dissemination of data; (2) homeless and formerly homeless individuals will have greater access to permanent supportive housing, employment, education, health care benefits and support of services; (3) will inform and advise public and private funders to ensure that resources are utilized effectively; and (4) will achieve permanent, supportive housing for all chronically homeless individuals. Regarding focus one, they believe that data is key to this process. He highlighted the Homeless Management Information System (HMIS). HMIS will provide them with the ability to link resources, evaluate trends and measure results of programming throughout the homeless service system. Our community is minimally meeting federal standards for reporting information associated with people using shelter beds. We are not meeting federal standards for reporting data associated with people using transitional beds. Our community is meeting standards for reporting data for people assessing permanent, supportive housing. While Asheville is currently in compliance with minimal federal standards, an increase of active HMIS is needed in order to meet federal standards that will be more stringent in the future. Complete up-to-date information is needed in order for Asheville and Buncombe County to be able to use HMIS data to evaluate programs and a larger community response. HMIS reports will be available from Ms. Amy Sawyer beginning in December, 2008. He then gave a brief current agency use of the HMIS in our community as follows: (1) we currently have 4 organizations actively using HMIS; (2) we have 4 organizations that have signed on to using HMIS but are not currently active; (3) we have 2 organizations that are in the process of signing a contract to agree to HMIS usage; and (4) we have 8 organizations that are not using HMIS, but in their opinion, should be.. United Way's 211 of WNC is in partnership with HMIS and will share all of their information referral data into the HMIS. We do need agencies to increase their participation because the system is largely voluntary. He asked City Council (and the Buncombe County Commissioners) require agencies that serve the homeless and that receive City (or County) funds be required to actively use HMIS.

Councilman Mumpower explained his concerns of why the 10-Year Plan to End Homelessness lacks in realism in the current economic climate. He felt we need to build in accountability for the person who is receiving the services. He supported the idea of an advisory board, but was concerned with the scope of that board in that it seems to assume a policy role. He did not support the Homeless Initiative Advisory Committee asking Council not support other non-profits unless they participate in HMIS in that he felt it represents a very heavy hand by the Committee.

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

Councilwoman Jones moved for the adoption of Resolution No. 08-227. This motion was seconded by Councilman Newman and carried on a 6-1 vote, with Councilman Mumpower voting "no."

After a brief discussion of HMIS, Councilwoman Jones moved to require any agencies that serve the homeless and receive City funds (Community Development Block Grant, Outside Agency, HOME, etc.) be required to participate in the HMIS database. This motion was seconded by Councilman Newman and carried on a 6-1 vote, with Councilman Mumpower voting "no."

Mayor Bellamy noted that we are being successful in decreasing the number of chronic homeless. Participation in the HMIS is a way to help individuals and non-profits be more accountable. She noted that Buncombe County is in the process of doing a study of the population of the jail and an issue discussed was how can HMIS assist in providing information to magistrates to decrease the population in the jails by holding people accountable. There is a direct correlation between HMIS and the magistrates.

RESOLUTION BOOK NO. 31 – PAGE 369

C. E-VERIFY ANALYSIS

City Attorney Bob Oast explained the following information on requiring the use of E-Verify by contractors with the City of Asheville.

E-Verify is a federal program that allows employers to check on the work-eligibility status of employees or prospective employees. E-Verify is available to businesses and governmental agencies. Users must register in order to use the system, but it is free.

In order to use the system, the employer must provide certain information about the employee; including the employee's name and social security number. This information is contained on the I-9 "Employment Eligibility" form that each prospective employee fills out. The I-9 form contains an "employer review and verification" that requires an employer (or agent) to examine at least two forms of identification, one of which is required to be a social security card or other government-issued document (some with a requirement for a seal). This form contains much of the same information that is available through E-verify. If an employer uses E-Verify, it must be used for all employees, and it must be used after the offer of employment has been made, and not later than 3 days after the new employee's start date. Other rules and regulations also govern the use of E-Verify. The system could not be used for employees who were not new.

The federal government currently requires all contractors to use E-Verify, and some states (Minnesota, Colorado, Arizona) do as well. Gwinnett County in Georgia is one local government that requires use of E-Verify by its contractors. Our review has disclosed no North Carolina local government whose contracts contain such a requirement. However, most local governments in North Carolina have language in their contracts that requires compliance with all applicable federal, state, and local laws. Asheville's standard contract language contains a specific reference to immigration laws.

There appears to be no legal impediment to requiring the use of E-Verify by businesses that contract with the City. As with any other contractual provision, the City could terminate a contract for failure to comply with such a requirement. However, due to the pre-emptive effect of federal law in the field of immigration, the City could not use E-Verify to investigate the employment eligibility status of a contractor's employees (non-City employees), or direct a contractor not to hire certain employees. Moreover, the City could not impose civil or criminal penalties on employers who hire persons who are not eligible to work in the United States.

He provided Council with a summary of the E-Verify system from the federal government website.

Pros:

- Appears to be easy to use

- Low/no cost for employers to use system

Cons:

- Duplicates information already available from other readily-available sources.
- Extra administrative burden on contractors to use system (I-9 already required).
- Added administrative costs to City to audit compliance.
- E-Verify does not confirm/verify a new hire's identity, E-Verify only confirms that the documents/SSN presented by a new hire to the employer are valid.

This report is for Council's information, and follow-up from a previous discussion. Staff recommends consulting with the business community before implementing this policy.

When Councilman Mumpower questioned if a potential City employee fills out an application and he/she provides false information on a degree, or on his/her criminal background or on his/her experience, does the City have the ability to do a background check. City Attorney Oast said that the City does perform background checks on potential employees. For instance, if he/she states on their resume or application that they have a law degree and is applying for an attorney position, that would be a permissible field of inquiry.

Councilman Mumpower then questioned if someone was dishonest about their citizenship why couldn't that be checked in some fashion. City Attorney Oast responded that his report to Council was about requiring contractors to use E-verify. In terms of what the Human Resources Department does, they require the completion and submission of an I-9 form and that requires the production of two forms of identification, one of which is a social security number, but he is not sure of the details of that.

Councilman Mumpower felt the City should be a role model of the reasonable expectation that employers play by the law. This is one small step that we can do to send the message to ask our contractors to use E-verify so we can make sure that people who work for us are legal citizens.

The motion made by Councilman Mumpower requiring the use of E-Verify by contractors with the City of Asheville died for a lack of a second.

When Councilman Mumpower questioned why there was an I-9 system and an E-verify system, City Attorney Oast understood the E-verify system is a quick way of verifying the information on the I-9 form, as it's similar information on file in the federal government database. It doesn't guarantee that the information on file in the database is accurate and that is where some of the problems come in. One of the things it does do for an employer is if you use E-verify, it creates a rebuttable presumption that you're in compliance with the Immigration and Naturalization Laws. He has seen nothing to show that E-verify is more accurate than the use of the I-9 forms.

The motion made by Councilman Mumpower to instruct City staff to further research the differences between the use of an I-9 form and the E-verify system, (including what the City is able to do, what we can do, and why we should do it) died for lack of a second.

Councilwoman Cape explained her reasons for not supporting the E-verify system in that we have the I-9 form, language in our contracts that the City and contractors have to support applicable federal, state and local laws, with specific reference to the immigration laws.

Councilwoman Jones moved that this issue be tabled for six months. This motion was seconded by Vice-Mayor Davis and carried on a 5-2 vote, with Councilman Mumpower and Councilman Russell voting "no."

D. CITY COUNCIL VACANCY

On behalf of City Council, Mayor Bellamy congratulated Councilwoman Jones on winning a seat on the Buncombe County Board of Commissioners. City Council has officially received Councilwoman Jones' resignation from the Asheville City Council effective December 1, 2008. She reiterated the process below, which was approved by City Council on October 14, 2008:

Wednesday, 11-5 - Any interested person will be given an application form, with a request for a resume to be attached, along with the 5 essay questions - ½ page response each. Deadline for all applications is Wednesday, November 26 at Noon

Wednesday, 11-26 - Deadline for applications - Noon

- Wednesday, 11-26 - Clerk to verify all candidates of (1) City of Asheville residency; and (2) that they are registered to vote in Buncombe County
- Wednesday 11-26 - Clerk to send to City Council all eligible candidates applications, along with resume and completed essay questions. In addition, a letter will sent to all candidates notifying them that if they are chosen the City Council orientation will be held one day during the week of December 15
- Tuesday, 12-2
FORMAL MTG - City Council determine (1) how many to interview; (2) who to interview; (3) length of interviews; (4) date of interviews – December 9 before formal meeting; and (5) time interviews are to begin
- Wednesday, 12-3 - Clerk to contact candidates to arrange Interviews on December 9
- Tuesday, 12- 9 - Interviews in Council Chamber – Interviews to be held prior to FORMAL MTG meeting **AND** listing on the formal 12-9 agenda – Appointment of new Council member
- Friday, 12-12 - New Council member sworn in with brief reception
- One day during week
of 12-15 - New Council member orientation

At the November 25, 2008, meeting, the 2008 City Council Meeting schedule will be amended to include December 2 as a formal meeting; and December 12 as a special meeting to swear in the new Council member.

When Mayor Bellamy asked for any public comment, no one spoke.

In response to Councilman Mumpower, Mayor Bellamy said that the applications, and supporting material, will be posted to the City's website on the afternoon on November 26, 2008, as they will be part of the City Council package of December 2, 2008.

Councilman Mumpower felt the Council has made a strong effort to come up with a fair, transparent and open process to fill the vacancy on Council. This is the first time anyone has developed a process on paper. He felt that after the process is over, it can be reviewed and made a part of Council's rules.

Vice-Mayor Davis said adoption of this process was a unanimous decision of Council and supported this clear and open process.

When Councilwoman Cape asked about formalizing the process, Vice-Mayor Davis said that after the process is complete, it will be critiqued and recommended for adoption as a Council rule.

VI. NEW BUSINESS:

A. REVIEW OF POTENTIAL BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY PRODUCT DEVELOPMENT FUND GRANT APPLICATIONS

Economic Development Director Sam Powers said that this is a review of potential projects for application for funds from the Tourism Product Development Fund.

The Buncombe County Tourism Development Authority's (TDA) Tourism Product Development Fund (TPDF) was created in 2001. It makes funding possible for tourism projects that will increase the number of overnight stays by visitors in Buncombe County lodging properties. The City has no previous direct funding from the TPDF; however, the WNC Soccer Foundation received \$400,000 of funding for the City's John B. Lewis Soccer complex in both 2002 and 2004 and completed a pass through to the City. Additionally, the current Partnership on Wayfinding, in which the City participates, received TPDF funding approval in 2008.

He provided Council with a "Frequently Asked Questions" information sheet which outlines the criteria and funding process

for the TPDF. The sheet answers many of the questions about the guidelines and eligibility for funding of projects.

In an effort to leverage resources and build on priorities in the City's Strategic Operating Plan, develop partnerships with the TDA, and also meet core funding criteria of the TPDF, staff has developed a summary of possible projects for Council review. In developing the list of potential projects, staff tried to balance developing a list of projects that was too extensive versus missing an opportunity to submit on a worthy project.

He then briefly reviewed the summary of each of the projects, with preliminary information that is available at this time. More detailed preliminary work will be done prior to any projects being selected for an application to the TPDF. In some projects, local funding has been identified; however, some projects do not have sources of funds identified.

Short-term Projects

Cost

Civic Center Banquet Hall \$1,500,000

Downtown Improvements \$3,270,000

- Graffiti \$120,000
- Lighting Plan & Improvements \$1,500,000
- Cleanliness/Trash \$250,000
- Phase II Wayfinding Kiosks \$250,000
- Public Safety Enhancements \$400,000
- Downtown Shuttle \$750,000

Outdoor Recreation/Adventure Center \$3,000,000

Overlook Park/View Shed Parks \$3,500,000

Other Suggestions for long term applications (no proposal is defined currently)

- Dykeman Plan Improvements
- Aquatics Center
- Ice Skating
- Sculpture Park

City staff recommends City Council review the project summaries and take the list under advisement prior to the upcoming meeting between City Council and the TDA.

Below are details of the potential projects:

Banquet Hall Renovation

Background:

The Civic Center banquet hall opened nearly thirty-five years ago. Other than new blinds and carpet in the early 1990s, it has essentially remained unchanged. The banquet hall has mechanical, cosmetic, and accessibility problems. It can and should be a showcase facility in downtown Asheville. However, in its current state, it is underutilized, and in fact often loses business due to its condition. It rents for \$500/day, which doesn't cover utilities during months it has to be cooled, and in its current condition raising the rental rate cannot be justified. With these renovations, rentals would be more frequent, revenues would increase and expenses would decrease.

Proposal:

The following items would be addressed in a banquet hall complete renovation:

- New HVAC System. Under the current system, the facility's main chiller or boiler must be operating in order to cool/heat the banquet hall. When other areas of the facility are rented, this is not an issue. However, many times the Banquet Hall is rented on its own. In these instances, expenses to cool the room exceed rental revenues.
- New energy efficient windows and blinds. This will result in utility savings as well as address cosmetic and operational problems with the blinds.
- New carpet, portable dance floor, and ceiling. These address cosmetic and safety issues.

- New lighting and sound systems. Dimmable lighting system and permanent sound system to improve appearance and quality.
- Renovation of men's and women's bathrooms. This will address cosmetic and energy efficiency issues.
- Update catering kitchen. Currently a storage area, will update to functional warming kitchen, which allows larger catered functions and meetings.
- Install wireless internet access points and permanent phone lines.
- Purchase new banquet tables, chairs, skirts and other related equipment.
- Update Banquet Hall entry with new windows, blinds, carpet and ceiling.
- Add elevator/escalators to make room to address ADA.

Costs:

- Current estimates are placed at \$1.5 million. Detailed estimates would be obtained prior to end of year in order to complete proposal for the TDA. This is all capital investment. Operations costs would actually be lower, due to lower utilities costs and additional rent revenues. No operations costs are associated with this project; in fact, savings are expected due to decreased utilities costs and increase rental revenues. No additional personnel are required.

The Civic Center is prepared to cover 10% of total expenses, up to \$200,000. The City of Asheville would commit a portion of CIP funds to this project.

For: Graffiti Removal on Private Property

Background:

In March 2007 the Asheville Police Department formed a Graffiti Task Force to combat graffiti with the following actions: 200 inventories of graffiti; 10 search warrants, 50+ surveillance operations and 20 persons charged. In May 2007 the Public Works department formed a crew for the purpose of quickly removing graffiti on public property. Currently, there is no formal program to remove graffiti from private property. Additionally, currently there are no requirements for private property owners to remove graffiti (as quickly as possible) from their properties.

While it is within the City's purview to use public resources for public infrastructure, the City must first pass an ordinance which will: 1) require timely removal of graffiti on private property; and, 2) authorize the use of public resources on private property (specifically for the removal of graffiti). Secondly, knowledgeable, experienced staff will be necessary to work professionally with property owners regarding ordinance enforcement, liability releases, and scheduling/performing work. Lastly, any program must be diligent and consistent to be successful for the long term. The message to 'taggers' must be clear: "Graffiti will not be tolerated in this community".

Proposal:

- The Asheville Department of Public Works will put into operation two full-time staff to remove all graffiti from the Central Business District and work with police to identify 'taggers'. This program is contingent upon adoption of appropriate ordinance(s) which authorizes staff to remove graffiti from private property.

Costs:

The City currently has the enforcement, equipment and designated staff to remove graffiti on public infrastructure. Additional resources will be necessary if the CBD desires a program addressing graffiti on private property.

Following are estimated costs to remove graffiti from both public and private property (CBD only):

| | |
|--|------------------|
| 1. <u>Staff:</u> Code Enforcement Officer (salary/fringe benefits) | \$45,159 |
| Laborer I (salary/fringe benefits) | \$30,655 |
| 2. <u>Equipment/Supplies:</u> | |
| • 1 each ½ ton pick-up truck | \$20,000 |
| • Trailer/hitch for equipment | \$ 3,000 |
| • Removal materials ('tagonator') | \$15,000 |
| • Pressure washer/maintenance & repair | <u>\$ 5,000</u> |
| Total Program Start-up costs: | \$118,814 |

3. Annual Costs: \$98,814 (minus equipment costs)

Two new staff is necessary for this program designated for removal from private property.

For: Central Business District (CBD) Master Lighting Plan

Background:

The concept of a comprehensive master plan for purposes of lighting streets, sidewalks, alleyways and properties for the conveyance of vehicular and pedestrian traffic, safety and aesthetics requires a complex, time-consuming study by lighting professionals who will consider some of the following challenges:

- Overall desired result in consideration of safety and aesthetics.
- What type of aesthetic look is desired? HPS (high pressure sodium, yellow glow), MH (metal halide, white glow), lumens on the street, on sidewalks, in alleyways, on private property. Example of HPS is Grove Arcade, MH is College Street corridor (new section) and Pack Plaza when completed.
- What intensity of lighting is desired (aesthetic question) versus allowed (in accordance with local ordinances and national traffic engineering standards (pertaining to lighting streets).
- Fixtures: Determine whether or not to use existing specialty fixture, eclectic design(s), standard lighting, decorative lighting (all with variable hardware and monthly charges).
- Determine where overhead wires or underground burial is to be used. Underground systems in a CBD environment are very costly to install.
- Determine electrical engineering costs for installation of hardware and electrical service.
- Determine monthly costs for maintenance/electricity.
- Determine who will pay additional costs for hardware, installation and monthly charges.

Proposal:

A plan is necessary for three key reasons: 1) Precisely what do the stakeholders in the CBD want from their lighting system, as described above?;

2) What will it cost to implement the plan?; and, 3) Who will pay the one-time and long term costs?

Costs:

The City proposes a partnership with the TDA. The City will develop a comprehensive master plan for the central business district which will cost approximately \$40,000; the TDA will fund the lighting and engineering for fixture installation and electrical service routing and costs for hardware, electrical service and monthly maintenance and electrical fees. Preliminary estimate for capital costs is approximately \$1,500,000.

Energy costs TBD but could be offset by higher efficiency.

For: Pedestrian Trash Receptacles in the Central Business District (CBD)

Background:

It has been mentioned by business owners, residents and others that there are locations within the central business district which would benefit from the placement of additional trash receptacles. At this time, there are approximately 200 pedestrian receptacles in the CBD which are serviced 7 days per week. Some also have cigarette receptacles attached. The overall condition of the metal receptacles is 'average' due to 15+ years of heavy use and abuse in a public setting.

Proposal:

The Asheville Department of Public Works will install, maintain and empty receptacles purchased for placement in the CBD.

At this time staff will need to collect information regarding the exact number and desired location(s). Such specific information could be attained by a committee made up of concerned stakeholders, TDA and Sanitation Division staff.

Costs:

The current style receptacle cost is \$1,000 each (including shipping, installation, lid and liner). While the cost for such an item seems high, robust construction is tantamount to the longevity of infrastructure which suffers constant abuses from vandals and those who seek to destroy things. For example, when the automated collection system was first implemented, staff purchased two

heavy duty PVC receptacles designed for dumping by the automated trucks. Within two weeks one was set on fire and burned to the ground and the other was cast into the street and smashed to atoms by traffic. The ubiquitous "pebble-dash" receptacles are also robust and durable; however, their cost is in the range of the current style.

Trash cans: Cost of cans (250 or more @ \$1,000 each = \$250,000). Existing staff will collect refuse and maintain them.

For: Digital Wayfinding Kiosk(s)

Background:

- Wayfinding in Asheville, and the downtown area in particular, is being addressed by the Regional Wayfinding initiative. A second phase to the new Wayfinding system would be an easily accessible method to access multi-modal (walk, bike, bus, car, etc) routing with up-to-date, and locally specific information.

- Deploying a set of kiosks to help downtown visitors determine the best route from one address to another address, or from a hotel to a permanent attraction/location, would constitute the basic set of functionality. The larger vision may include the availability of functionality for routing to/from short-term locations, with integration of user mobile telephones. This functionality may answer common questions such as how best to reach a particular performance stage during Bele Chere, which theater a particular film is playing during the Film Festival, where live music venues and play locations are, and how to best reach that location.

- A variety of potential partners exist within Asheville. The Renaissance Computing Institute (RENCI) engagement site at UNCA and the Applied Visualization Lab come to mind with regard to expertise in visual presentation. Meet the Geeks (an IT professional association) may well be a viable partner in identifying further necessary technical expertise.

- The City of Asheville has a proven track record in delivering community mapping solutions via the mapAsheville efforts. This is evidenced by recently received awards: *2007 Marvin Collins Award for Innovations in Planning Services & Public Involvement* presented by the North Carolina Chapter of the American Planning Association and the *2008 Excellence in Economic Development Award for New Media* presented by the International Economic Development Council.

- The City of Asheville also has a proven track record in collaborating with other agencies for community mapping and analysis efforts; this is evidenced through the successful implementation of the Slope Calculator tool that was developed in partnership with Buncombe County and UNCA/NEMAC/RENCI.

Proposal:

It is suggested that the city fund an initial assessment study to determine feasibility of implementing a digital wayfinding kiosk(s), and other means of digital wayfinding to include internet mapping availability for mobile computing platforms and availability of text-only inquiry/delivery via cell phone. Upon satisfactory completion of the initial assessment study, it is proposed that TDA funds be made available for implementation of the system.

Costs:

- Full, long-term costs have yet to be determined. It is recommended that an initial scoping and planning assessment be completed prior to funding of final effort. A conservative estimate for the initial assessment is \$17,500 with utilization of an external consultant. Capital costs may range from \$250,000 to \$300,000. Operating and maintenance costs may be approximately 20% of total costs (\$60,000). No additional personnel are scoped in this proposal.

For: Asheville Police Department Enhancement Initiative (APDEI)

Background:

- Dramatic increases in visitation to downtown Asheville benefit from enhancements to existing security available to adequately insure public safety and security.

Proposal:

In an effort to preserve and enhance community safety downtown and to further promote downtown as a destination, the Asheville Police Department submits the following safety enhancement efforts:

Closed Circuit Cameras: Placing closed circuit cameras in predetermined, outdoor locations of the downtown area would allow

for monitoring criminal activity. This would lead to more successful investigations and higher numbers of arrests for criminal activity. This would likely reduce crimes in the area due to the constant surveillance of targeted areas. Through an analysis of part one crime data and the propensity for reoccurrence of criminal activity, the following areas are good candidates for the camera system:

Triangle Park, Pritchard Park, Aston Park, Bus Terminal, Haywood St. near the Library, N. Lexington Ave, S. Lexington Ave, Pack Square, Biltmore Ave, Biltmore and Aston, Biltmore and Hilliard, Lee Walker, Coxe Ave, any and all parking decks, Asheland Ave, 79 Asheland Ave, Patton Ave/Coxe, Patton Ave. and Church, Church and Aston, Coxe and Southside, N. French Broad / Grove St, S. French Broad Ave, Bartlett and SFB, Bartlett Arms, Battery Park Area, N. Market St, Walnut St, and Broadway and I-240

The locations above are prime candidates; however, utilizing grant funds to target key locations would lead to a safer and more open community.

GEM Cars, Segways, T3 Transport: The use of GEM cars, Segways and T3 Transports allow our officers to get closer to the public while on patrol. It allows them greater mobility, while creating a more approachable officer than a cruiser. Approachability leads to information sharing and enhanced investigations, as well as superior community relations tool. This in turn would reduce criminal activity and create more positive interactions with the general public. All of these vehicles are electric (zero emissions) and aid in the City's movement toward greener initiatives and reducing our carbon footprint.

Costs:

-
Capital costs for equipment: approximately \$400,000.

Most start up costs are included in this price. The only other expense would be that of IT personnel in the assessment and installation of the "software" to manage the security system. Initially current staff could periodically check the system and would be able to review the files to view criminal acts after the fact to identify suspects. If we were to go to full implementation of this additional personnel may be necessary to monitor the surveillance screens installed at APD. On-going operation and maintenance costs: \$1000-2000 annually.

Matching Funds: APD could commit to 10% match from forfeiture funds.

For: Downtown Shuttle System

-
Background:

The City of Asheville has recently completed studying the supply and demand of parking in the Central Business District (CBD) of Asheville. The results of this study indicate that there is a deficit of approximately 700 parking spaces in the CBD. The City would like to address the shortage in addition to the construction of new parking decks, implementing a shuttle service that travels from lots on the fringe of the downtown area to the central business district at a reasonable frequency of service.

Proposal:

Downtown tourists and workers represent a reasonable target market for shuttle system ridership. Examples of those potential users include tourist wishing to go from one end of downtown to another, employees of larger employers and restaurant staff in the downtown area.

It is realized that for the system to be effective, short headways need to be provided in the peak periods. At present, the Asheville Transit system designates much of the CBD as a "Fare Free Zone". However, the buses run on approximate 60 minute headway in the CBD. Estimates of ridership will be developed on assuming 10, 20 and 30 minute headways.

Costs:

Capital costs: Initial estimate of \$750,000 for vans, shelters and improvements.

Operating costs: approximately \$600,000 funded through Parking Enterprise Fund. The City would like to operate four routes to cover north, south, east and west areas. While we do not know the cost at this time, Chattanooga, Tennessee, has a similar system that supports downtown.

For: Outdoor Recreation and Adventure Center (River Redevelopment)

-

Background:

- The City seeks to increase capital investment and redevelopment of the River District. A catalyst project is sought to spur this redevelopment. The result will create a destination that will increase overnight lodging room counts.

Proposal:

The funding request would support new construction of an Asheville Area Outdoor Recreation and Adventure Center near the Hominy Creek Greenway adjacent or within the City of Asheville's Carrier Park. Two sites have been identified and investigatory real estate considerations are being made (one site is on public land, one site is on private land). The Center would serve as an entry point for visitors seeking access from a myriad of recreational experiences, and would include: bike rentals, service, and instruction; boat rentals, service and instruction; a rock climbing wall, adventure tour services and sales, concierge/ information services for visitors that will help them access unique experiences (via local entrepreneurs) in our region including peregrine falcon watches; native plant hikes; class A trout fishing, and more.

Key Partners, Internal: Parks and Recreation, General Admin/OED, Planning and Development

Key Partners, External: Riverlink, A-B Convention and Visitors Bureau, ClimbMaxx, Southern Waterways

Costs: \$3 million (initial estimate based on city-owned land utilization).

For: Beaucatcher Overlook Park

Background:

Creating an overlook park is an idea that has been talked about for years in the Asheville area. In 1920, the City of Asheville established the first city plan for Asheville. John Nolan, an early city planner, authored the plan, which identified the infrastructure needs for the growing city. The Nolan plan delineated a circle of parks surrounding Asheville, and major city parks in every neighborhood. The key component of the park system was an expansive overlook park along Beaucatcher Mountain, and open space connecting it to downtown Asheville and the surrounding neighborhoods.

Asheville and Buncombe County have come a long way from the 1920's. The county's population has been growing and area is thriving. The availability of the Greenberg tract, 30 acres of woodland covering the slope of Beaucatcher Mountain, is serving as a catalyst to revive the Overlook Park vision. The tract, behind McCormick Field, is a green backdrop to the city. The view of the wooded slope is visible from nearly everywhere in downtown Asheville.

The site is perfectly situated to be the centerpiece of a new vision for the area around McCormick Field and Beaucatcher Mountain. The Greenberg tract is surrounded by another 30 acres of city-owned land, including the baseball field, Memorial Stadium, and about 10 acres of vacant land behind them. A developer has bought McCormick Heights public housing project, and is redeveloping this as affordable housing. The Greenberg tract is right below White Fawn Reservoir, also owned by the City. The Asheville Parks & Recreation Master Plan proposed a "Sister Cities Park" to be located on the site of the reservoir, and that site can be easily connected to the Greenberg tract. The Asheville Greenways Master Plan shows a connector greenway extending from downtown through the Greenberg tract and up to the Beaucatcher Mountain ridgeline, and extending all the way to the I-240 cut. The draft Downtown Master Plan recommends development of public space that will allow for view shed presentation and create new destinations for visitors.

Proposal:

The purchase of the Greenberg tract will allow the department to establish a natural park, within walking distance of downtown Asheville, the surrounding neighborhoods of the White Fawn, East End, and Kenilworth and Mission Hospital, and on a city bus line. It is easily accessible to the residents of Buncombe County and visitors to Asheville. It will become an oasis of green in Buncombe County, offering opportunities for walking, bicycling, picnicking, and quiet experience of nature. The park will add to the offerings of arts and entertainment, dining, shopping, and the unique Western North Carolina culture that attract people from all over the world.

The establishment of the Park will take place in three phases: acquiring the Greenberg tract; further planning of the park's proposed amenities; and the development of the park and surrounding areas.

Costs:

Beaucatcher Overlook Park is intended for passive recreation with minimal development and preserved predominantly as a natural

area. When considering park development, the City follows a process of site analysis, engineering and environmental studies to determine feasibility, and public input prior to park design which leads to cost estimate of development. The following may be considered as minimal development based on preliminary cost projections without a comprehensive site analysis and review of all options. Cost will vary and should not be viewed as final cost estimates.

Capital costs for development may include the following at a minimum cost of \$3,500,000 (excludes land acquisition).

- Trails
- Overlook(s)
- Picnic area(s)
- Parking area(s)
- Benches, trash receptacles, signage
- Access road and park entrance improvements
- Environmental and biological assessment

Operation and maintenance costs could be expected to be \$100,000 annually. Personnel costs TBD.

Mr. Powers reiterated that this list is for information purposes to assist Council with their upcoming meeting with the TDA.

Council members expressed their opinion about the various potential projects, noting that most will move some of Council's goals forward. Councilman Mumpower suggested we might improve our chances for funding if we limit our proposals to 3 and have them well defined with realistic dollars.

Mayor Bellamy's primary focus would be all the downtown improvements, with inclusion of a pressure washer to clean our streets and more downtown plantings. Since the TDA was before Council recently regarding the health of downtown, she felt the downtown improvements would be a good set of projects.

In response to Councilman Newman, Mayor Bellamy suggested we have a meeting in January to talk about the future of the Civic Center and to work with the Buncombe County Commissioners and our state legislators, who have all vowed to work with the City.

VII. OTHER BUSINESS:

A. CLAIMS

The following claims were received by the City of Asheville during the period of October 3 – 30, 2008: Jeannot Gamache (Water), Rebecca Robertson (Water), Remo & Carolyn Termini (Water), Remo & Carolyn Termini (Water), Christine Sass (Transit Services), City of Asheville (Parks & Recreation), City of Asheville (Fire); Jeanette Bryson (Sanitation), Patrick Schuette (Traffic Engineering), Walter Koester (Traffic Engineering), Bill Langdon (Water) and AT&T (Water).

The following claims were received by the City of Asheville during the period of October 21 – November 5, 2008: Sara Gresko (Traffic Engineering), Delyn Shepherd (Traffic Engineering), Joe Webster (Traffic Engineering), Elaine Matheson (Traffic Engineering), Tom Harrison (Traffic Engineering), Ted Bussey (Traffic Engineering), Leisel Sullivan (Traffic Engineering), Carolyn Rose (Traffic Engineering), Fran Konchar (Traffic Engineering), Juluis McDowell (Water), James Bassett (Sanitation), Arron Foulkrod (Streets), Jennifer Broderson (Traffic Engineering), Thomas Bass (Traffic Engineering) and Sarah Kate Chason (Traffic Engineering).

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

VIII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

IX. ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 7:33 p.m.

CITY CLERK

MAYOR