

Tuesday – March 26, 2013- 2:30 p.m.

Regular Meeting

Present: Vice-Mayor Esther E. Manheimer, Presiding (recused from meeting at 5:01 p.m.); Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Marc W. Hunt; Councilman Christopher A. Pelly; Deputy City Manager Jeffrey Richardson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Terry M. Bellamy and Councilman Gordon D. Smith

PLEDGE OF ALLEGIANCE

Vice-Mayor Manheimer led City Council in the Pledge of Allegiance.

INVOCATION

Councilman Hunt gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING APRIL 6, 2013, AS "TARTAN DAY" IN THE CITY OF ASHEVILLE

Councilman Bothwell read the proclamation proclaiming April 6, 2013, as "Tartan Day" in the City of Asheville. He presented the proclamation to the President of the Local Chapter of the New World Celts, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

It was the consensus of Council to add a resolution to the Consent Agenda to change the time of the April 3, 2013, budget worksession from 3:00 p.m. to 2:00 p.m. in the First Floor North Conference Room of City Hall. It was noted that public comment will be allowed at the end of the worksession (specifically to address some parks and recreation issues) emphasizing that this is an opportunity for the public to give input during the budget deliberations, but that a formal public hearing on the budget will take place on May 14, 2013.

A. APPROVAL OF THE MINUTES OF THE RETREAT HELD ON MARCH 11, 2013, AND THE FORMAL MEETING HELD ON MARCH 12, 2013

B. RESOLUTION NO. 13-50 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY PROPERTY OFF SUNRISE DRIVE TO MICHAEL FALKNOR

Summary: The consideration of a resolution authorizing the City Manager to convey real property off Sunrise Drive to Michael Falknor.

The City of Asheville owns surplus real property located on Sunrise Drive, measuring approximately 0.26 acres (PIN 9638-76-2779-00000). The lot is zoned RM8 and is in good proximity to West Asheville and the River Arts District. The topography of the lot is gently sloping and appears to be suitable for residential development. However, this lot has been held by the City as surplus property for quite some time, due to the fact that there is no deeded access to sewer infrastructure for the property.

At this time, a bid has been received from an adjoining property owner, Michael Falknor, in the amount of \$35,000 for the purchase of this parcel. Mr. Falknor will be able to provide

sewer access to this lot via the property he currently owns, and intends to develop a single family home on the property. The bid at \$35,000 is considered fair market value based on a 2013 appraisal performed by Dry Ridge Appraisal Service, LLC. An advertisement for upset bids was published in the paper on February 15, 2013. Within the 10 day notice period, no upset bids were received for the property.

The Parks, Recreation and Cultural Arts Department has verified that this parcel does not lie within an existing or proposed greenway trail according to the Greenway Master Plan and therefore is not an advantageous property to be held for use by the City of Asheville.

This action complies with the City Council Strategic Operating Plan by supporting Fiscal Responsibility, through disposition of surplus real property at market value.

Pros:

- The sale will be at fair market value as established by the upset bid process.
- It will return property not needed for public use to the tax rolls.
- It will transfer responsibility for maintenance to the private sector.

Con:

- There is no negative impact.

The proceeds from the sale of this parcel will benefit the General Fund and will be designated for future economic and community development projects,

Staff recommends City Council adopt the resolution to convey real property off Sunrise Drive to Michael Falknor.

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C. RESOLUTION NO. 13-51 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY OFF JEFFERSON DRIVE TO REBECCA AND LEE LANCE

Summary: The consideration of a resolution authorizing the City Manager to convey real property off Jefferson Drive to Rebecca and Lee Lance.

The City of Asheville owns property at 360 West Haywood Street that is currently utilized as the Transit Maintenance Center. An adjoining property owner has approached the City of Asheville with a request to purchase a 0.11 acre portion (PIN 9648-08-1684-00000) of the City property in order to resolve an access issue at their home. Rebecca and Lee Lance own property that fronts on Jefferson Drive and shares a rear property boundary with the Transit Maintenance Center. Due to the narrow shape of their lot and the relative steepness of the frontage along Jefferson, the only current access to the home is through a shared driveway with the neighboring property to the south. Mr. and Mrs. Lance seek to purchase this 0.11 acre portion of the Transit Maintenance property to develop a permanent driveway as well as construct additional related improvements (e.g. garage, garden shed, etc.)

Staff has reviewed this request on site at the Transit Maintenance Center, with the conclusion that releasing a 0.11 acre tract from the total 3.5 acre property does not impact the current or future operations at that site. Further, the disposition of this 0.11 acre lot will not inhibit a future land use change at the site, if the Transit Maintenance Center were to be redeveloped to a higher and better use. A chain link fence is located within the area of interest, and it will be the responsibility of Mr. and Mrs. Lance to relocate the chain link fence if the sale is approved.

Per the NC General Statutes, Mr. and Mrs. Lance submitted a bid to purchase the parcel in the amount of \$25,000. The bid at \$25,000 is considered fair market value based on a 2013 appraisal performed by Dry Ridge Appraisal Service, LLC. An advertisement for upset bids was published in the paper on February 15, 2013. Within the 10 day notice period, no upset bids were received for the property.

This action complies with the City Council Strategic Operating Plan by supporting Fiscal Responsibility, through disposition of real property at market value.

Pros:

- The sale will be at fair market value as established by the upset bid process.
- It will return property not needed for public use to the tax rolls.
- It will transfer responsibility for maintenance to the private sector.

Con:

- There is no negative impact.

The proceeds from the sale of this parcel will benefit the General Fund and will be designated for future economic and community development projects,

City staff recommends City Council adopt the resolution to convey real property off Jefferson Drive to Rebecca and Lee Lance.

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D. RESOLUTION NO. 13-52 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE A SEALED BID OF THREE PARCELS OF CITY-OWNED PROPERTY KNOWN AS (1) SHORT STREET LOT; (2) S. BEAUMONT STREET LOT; AND (3) HANSEL AVENUE LOT

Summary: The consideration of a resolution directing the City Clerk to advertise a sealed bid sale of three parcels of City owned property, known as the (1) Short Street lot, (2) S. Beaumont lot, and (3) Hansel Avenue lot.

The City of Asheville owns three properties that are currently designated as surplus, residential, vacant lots – the Short Street lot (0.12 acres, PIN 9649-11-8703-00000), S. Beaumont lot (0.204 acre, PIN 9648-69-7439-00000) and Hansel Avenue lot (0.69 acres, – PINs 9638-49-6279-00000 and 9638-49-6460-00000). Over the past several weeks, there has been an increase in interest from local buyers in these parcels. To respond to this interest, staff is seeking authorization to commence a sealed bid process, as outlined below:

1. Upon approval of this resolution, the City Clerk will publish a notice of sealed bid sale in the Asheville Citizen-Times, identifying the parcels available for sale and all terms and conditions of the sale.
2. During the thirty day notice period, City staff will actively market the parcels with the assistance of the local realtor's network and the regional Multiple Listing Service (MLS).
3. On May 3rd at 2 p.m. on the fifth floor of City Hall, City staff will host a public bid opening, and will review all sealed bids received for the parcels.
4. Staff will present highest bids for City Council authorization on May 14th, 2013, with Council reserving the right to reject any and all bids.
5. Potential closing date(s) – July 1, 2013.

Staff is seeking to utilize the sealed bid process in effort to benefit from the thirty day marketing period, as well as to ensure a deliberate process for all persons that have shown

interest in the parcels for sale. For more information on the parcels and conditions of sale, please refer to the notes contained on each parcel map.

This action complies with the City Council Strategic Operating Plan by supporting Fiscal Responsibility, through disposition of real property at market value.

Pros:

- The potential sale will be at fair market value as established by the sealed bid process.
- It will return property not needed for public use to the tax rolls.
- It will transfer responsibility for maintenance to the private sector.

Con:

- There is no negative impact.

The proceeds from the sale of the S. Beaumont and Short Street parcels will benefit the Community Development Block Grant fund. The sale of the Hansel Avenue parcel will benefit the General Fund and will be designated for future economic and community development projects.

City staff recommends City Council adopt the resolution directing the City Clerk to advertise a sealed bid sale of three parcels of City owned property, known as (1) Short Street lot, (2) S. Beaumont Lot, and (3) Hansel Avenue lot.

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E. RESOLUTION NO. 13-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES WITHIN THE TERRITORIAL LIMITS OF THE CITY OF ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Asheville Humane Society (AHS) for animal shelter services within the territorial limits of the City of Asheville.

Buncombe County has required the City of Asheville to pay for animal shelter services through the Asheville Humane Society (AHS) who contracts with Buncombe County to run the animal shelter. The cost for the animal shelter services to the City of Asheville for FY 2012-2013 will be \$19,167 per month for a FY year total of \$230,004. This represents an increase from the cost of last years' service and is already included in the Asheville Police Department's 2012 - 2013 budget. The AHS contract amount has remained relatively unchanged over the past 10 years, experiencing only nominal increases:

- 2002 - 2008: \$121,000.00
- 2009: \$127,050.00
- 2010-2011: \$133,402.56
- 2012: \$230,004.00

Enhancements in the manner in which AHS is able to track the number of animals that are received by them from the City and analyzing the cost of housing / caring for the animals has allowed AHS to develop an empirical formula that drives this current contract increase.

The Public Safety Committee will be reviewing this item at their Monday, March 25, meeting.

This action complies with the City Council's Strategic Operating Plan in the focus area of Safe, by actively enforcing animal control laws.

Pro:

- The City continues to have a safe and organized manner in which to care for impounded animals without incurring the costs of construction and operation of an animal shelter.

Con:

- Ongoing general fund expenditure that will likely continue to increase as the animal shelter operating costs increase.

The current contract amount represents an increase of \$96,601.44 over the prior contract amount. As noted above, funding for the contract is already included in the FY 2012-13 Police Department operating budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a contract with Asheville Humane Society for Animal Shelter Services for the term of July 1, 2012, through June 30, 2013.

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F. ORDINANCE NO. 4171 - BUDGET AMENDMENT FROM THE U.S. DEPT. OF JUSTICE FOR REIMBURSEMENT FOR OVERTIME EXPENSES RELATED TO ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PARTICIPATION

Summary: The consideration of a budget amendment, in the amount of \$10,000, from the US Department of Justice (DOJ), for reimbursement for overtime expenses related to Organized Crime Drug Enforcement Task Force (OCDETF) participation.

The Asheville Police Department is an active member of the Drug Enforcement Administration (DEA) Task Force. As part of the agreement in joining, officers are authorized to work overtime which will be reimbursed by the Federal Government. The funds received vary depending upon the length and involvement in operations. In order to continue Asheville Police Department (APD) participation and long term involvement with operations, it is imperative that we continue to receive such overtime reimbursement. Based on the current operation APD has been allocated \$10,000 by the US Department of Justice (DOJ) to apply toward OCDETF overtime expenses.

This action complies with the City Council Strategic Operating Plan in Fiscal Responsibility in that we are using Federal Funds to reimburse for overtime that would otherwise come from APD's Operating Budget and, 2) Safe City in that participating in the DEA Task Force we are able to conduct long term operations that remove drug suppliers from our community, thus making Asheville a safer and more desirable community to live.

Pro:

- Provides a non-City revenue source to cover Police Department overtime expenses incurred during participation in the Drug Enforcement Administration (DEA) Task Force.

Con:

- None noted

As noted above, this grant provides a non-City funding source for a portion of APD's General Fund overtime expenses.

City staff recommends City Council adopt a budget amendment, in the amount of \$10,000, to accept the US DOJ funds to offset overtime expenses for APD officers involved in OCDETF operations.

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G. RESOLUTION NO. 13-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE U.S. CONFERENCE OF MAYOR / PURDUE PHARMA PRESCRIPTION DRUG ABUSE AWARENESS RECOGNITION PROGRAM

ORDINANCE NO. 4172 - BUDGET AMENDMENT FOR THE PURDUE PHARMA PRESCRIPTION DRUG ABUSE AWARENESS RECOGNITION PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to accept grant funds from the U.S. Conference of Mayors / Purdue Pharma Prescription Drug Awareness Recognition Program in the amount of \$5,000; and the associated budget amendment in the amount of \$5,000 to budget the grant funds.

The City of Asheville has been awarded a grant from the U.S. Conference of Mayors / Purdue Pharma Prescription Drug Awareness Recognition Program in the amount of \$5,000. The City of Asheville was awarded 2nd Place in the Small City category. This grant will allow the Asheville Police Department (APD) to enhance its strong collaborative efforts and community partnerships toward realizing the goal of a Drug Free Asheville and Buncombe County as part of the Partnership for Substance Free Youth in Buncombe.

The primary target population of this effort to eliminate the use of illegal or non-prescribed drugs is school aged children throughout Asheville and Buncombe County. The APD currently partners with NC Alcohol Law Enforcement, ARP (Addiction Recovery Prevention), Asheville City Schools, Asheville Radio Group, Boys and Girls Club of Buncombe County, Buncombe County Department of Health, Buncombe County DSS, Buncombe County Schools, Buncombe County Sheriff's Office, Clear Channel Radio Group, NC Department of Juvenile Justice, Ingles Markets, Mission Hospital System and private individuals representing students and parents.

This action conforms to the City Council's Strategic Operating Plan under Fiscal Responsibility and Safe by using grant funds in support of a collaborative approach to eliminate illegal and non-prescribed drug abuse and raise prescription drug awareness in the community.

Pro:

- Grant funds will further the collaborative prescription drug awareness initiatives without impacting the City general fund.

Con:

- None

City staff recommends City Council adopt (1) the resolution authorizing the City Manager to enter into an agreement with the U.S. Conference of Mayors / Purdue Pharma Prescription Drug Abuse Awareness Recognition Program for the grant monies in the amount of \$5,000; and (2) the associated budget amendment, in the amount of \$5,000 to budget the grant funds.

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H. RESOLUTION NO. 13-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT DEMOCRATIC NATIONAL CONVENTION

EQUIPMENT DONATED TO THE ASHEVILLE POLICE DEPARTMENT BY THE CITY OF CHARLOTTE

Summary: The consideration of a resolution authorizing the City Manager to accept Democratic National Convention (DNC) equipment donated to the Asheville Police Department by the City of Charlotte.

The Asheville Police Department (APD) sent 14 officers to assist the City of Charlotte Police Department during the September, 2012 Democratic National Convention (DNC). During the 7 day assignment, 8 bicycle officers assisted with crowd control and 6 officers assisted with dignitary security. The participating APD officers were issued specialized equipment to include;

- Crowd control helmets - 6
- Police bicycles equipped with lights and soft luggage - 8
- Bicycle racks - 8
- Bicycle helmets - 8
- Bicycle uniforms - 16
- Protective glove sets - 8
- Hydration packs - 8
- Protective shin guard and elbow guard sets - 8

The donated equipment has a total value of \$14,444.04. This equipment was purchased by the City of Charlotte with a Bureau of Justice Assistance grant and Charlotte City Council has since been authorized to donate the equipment to law enforcement agencies that supported the City of Charlotte during the DNC.

This action complies with City Council's Strategic Operating Plan in the Focus Areas – Fiscal Responsibility and Safe.

Pros:

- Acceptance of donated equipment will increase the effectiveness of the APD bicycle patrol unit and crowd control team.
- Acceptance of donated equipment will reduce the fiscal impact of equipping APD bicycle patrol and crowd control officers.

Con:

- None.

City staff recommends City Council approve a resolution authorizing the City Manager to accept DNC equipment donated by the City of Charlotte for APD.

RESOLUTION BOOK NO. 35 - PAGE 208

I. RESOLUTION NO. 13-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RENAISSANCE PLANNING GROUP TO DEVELOP A TRANSPORTATION NETWORK PLAN FOR THE EAST OF THE RIVERWAY AREA

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Renaissance Planning Group in the amount of \$100,000 to develop a transportation network plan for the East of the Riverway area, and authorizing potential expenditure of a contingency of up to \$10,000 for other necessary expenditures for the project.

The transportation network plan is a part of the East of the Riverway Sustainable Multi-Modal Neighborhood Program, supported by the city's Transportation Investment Generating Economic Recovery (TIGER II) planning grant from the US Department of Transportation. The

purpose of the plan is to help further community goals and improve transportation facilities and services by:

- Basing transportation planning on existing and future land use, existing comprehensive plans, and stakeholder input
- Improving the transportation of people and goods using a multi-modal approach
- Improving connectivity to, from and within the area
- Planning a safe, efficient, accessible, and cost-effective transportation system
- Considering environmental impacts, including protecting and improving air quality
- Helping strengthen existing neighborhoods, reduce vehicle miles traveled, and connecting people with jobs, housing and services.

Outcomes of the network plan include a prioritized list of projects and programs to implement the vision for the area, and an assessment of the costs and benefits of the primary projects recommended in the plan.

This action complies with the City Council Strategic Operating Plan Multimodal Transportation Goal by clearly developing a long-term capital improvement funding plan for transportation in the East of the Riverway area, and also with the city's Job Growth and Community Development goals by supporting the city's Sustainable Community Initiative and continuing to rejuvenate the riverfront area.

Pros:

- Provides a prioritized list of projects with cost and cost-benefit information
- Develops a transportation network plan that is linked to land use
- Will enhance multi-modal transportation in the community
- Compliments the recent improvements made by the City and private sector in these neighborhoods
- Engages community members in the process
- Complements other multi-modal transportation planning efforts in the community

Con:

- None

The transportation network plan is a part of the East of the Riverway Sustainable Multi-Modal Neighborhood Program, supported by the city's Transportation Investment Generating Economic Recovery (TIGER II) planning grant from the US Department of Transportation. The amount of TIGER II funds allocated to the project is \$100,000. City staff will contribute in-kind time as necessary. Sufficient matching funds have been allocated from other TIGER II project elements to make a cash match unnecessary. An additional \$10,000 in TIGER II funds are conditionally allocated as a contingency. There is no financial impact to the General Fund. Project recommendations from this plan will be considered in future capital improvement programs.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a contract with Renaissance Planning Group in the amount of \$100,000, and authorizes expenditure of an additional \$10,000 for contingency, as needed.

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J. RESOLUTION NO. 13-57 - RESOLUTION SUPPORTING THE VISION AND MISSION OF THE NEIGHBORHOOD ADVISORY COMMITTEE

Summary: The consideration of a resolution supporting the Mission and Vision of the Neighborhood Advisory Committee (herein "NAC").

On April 24, 2012, Council adopted a resolution establishing the NAC and outlining in a general manner the NAC's structure, powers and duties. Council also directed the NAC to report to Council within 180 days on how the NAC proposes to fulfill its functions. That report was delivered to Council on February 26, 2013. Council received the report, along with Mayor Bellamy's suggestion that the NAC help get the information out to the neighborhoods about the City's master plans. The NAC agreed to incorporate the Mayor's suggestion into their 2013 goals. At that meeting, Council also directed the preparation of a resolution endorsing the NAC's Mission and Vision.

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- K. RESOLUTION NO. 13-59 - RESOLUTION AMENDING THE CITY COUNCIL MEETING AGENDA TO CHANGE THE TIME OF THE CITY COUNCIL BUDGET WORKSESSION ON APRIL 3, 2013, FROM 3:00 P.M. TO 2:00 P.M. IN THE FIRST FLOOR NORTH CONFERENCE ROOM OF CITY HALL**

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

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

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

III. PRESENTATIONS & REPORTS:

- A. PROPOSED IMPROVEMENTS TO I-26 FROM US 25 IN HENDERSON COUNTY TO I-40 INTERCHANGE**

Mr. Undrea Major, Project Engineer representing the N. C. Dept. of Transportation briefed Council on the proposed amendments to I-26 from US 25 in Henderson County to the I-40 interchange. He said the approximate length of the project is 22.2 miles (13.6 in Henderson County and 8.6 in Buncombe County). The purpose is to make improvements to meet the existing and future travel demands and relieve current and projected congestion along the I-26 corridor. He then showed alternatives taking into account the challenges of community impacts, aviation issues, public facilities, and cultural resources. Their public involvement initiatives include visualization photos, citizens' informational workshops, and the merger meeting process. He then reviewed the project timeline with construction beginning in Fiscal Year 2020. He said that even though they would like to have correspondence by March 31, they will continue to take written communication through the duration of the project.

Mr. Major then responded to various questions from Council, some being, but are not limited to: how does this process address the concerns raised several years ago regarding an insufficient environmental review process; and will the widening of I-26 require replacing the Blue Ridge Parkway Bridge, and if so, what does that do to the timeframe.

In response to Councilman Bothwell, Mr. Major explained how the I-26 connector project is moving on a parallel track with this project.

B. 2002 MILLS RIVER WATERSHED STRATEGIC DOCUMENT

Director of Water Resources Steve Shoaf said that the Water Resources Department contracted with McGill Associates to review the 2002 Mills River Watershed Management Strategy document and provide an assessment based on changes in the status of the watershed and supporting information. The report provided by McGill Associates updates the 2002 document.

The North Carolina Clean Water Management Trust Fund awarded a grant to the Mills River Partnership in August 1999. In addition to several projects targeted to improve water quality in the Mills River watershed, the management strategy document ("The Mills River Watershed Management Strategy") was funded. In 2002, the Mills River Partnership Planning Committee and the Land-of-Sky Regional Council released the study. This report covered a description of the watershed area and the activities in the watershed, the results of water quality assessments, and a compilation of management strategies intended to address the nine areas of concern.

The funding for projects within the watershed and to some extent the Mills River Partnership declined after several years of activity following the 2002 report. The Mills River Partnership regrouped about three years ago and began seeking funding to perform some of the tasks identified in the 2002 document. The Partnership approached the City of Asheville, the City of Hendersonville, and the Town of Mills River requesting funding for a variety of projects and administrative costs. Recently, the Partnership was awarded a grant (Section 319 Grant) that requires matching funds, which the Partnership is asking the aforementioned cities to provide.

The City of Asheville and the City of Hendersonville decided to contract with McGill Associates to review the 2002 Mills River Watershed Management Strategy in light of changes in the watershed over the past 10 years. The intent of this review was to assess the conditions within the watershed, identify any agencies dealing with regulatory or financial support, review the available water quality data, and propose areas that the cities may want to consider for future participation.

The City's ongoing interest in watershed management is the reason for this review. Water quality in the upper watershed continues to be excellent and overall water quality indices have improved during the past 10 years. The report recommends that the focus remain on efforts to protect and improve water quality. While recognizing that the Mills River Partnership is the leading non-regulatory body with interest in the condition of the watershed, strong relationships must be forged between non-regulatory and regulatory programs. Funding initiatives should be considered with an understanding of their long-term impact on water quality.

The management strategy review supports the City Council's Strategic Operating Plan by promoting partnerships to enhance water quality and efficient operations.

Pros:

- Opportunity to partner with the City of Hendersonville and the Mills River Partnership to strategically address areas of concern in the Mills River watershed.
- Funding from the City of Hendersonville and the City of Asheville could make some water quality projects feasible for farmers and local landowners.
- Improvements in the watershed could improve drinking water quality.

Cons:

- The City of Asheville Water Resources Department does not want to begin funding outside agencies.
- The City of Asheville Water Resources Department wants to retain control of how the funding is allocated to specific projects.

At present, there is no fiscal impact. The review of the management strategy was approved by prior Council action. Any future expenditures in the Mills River watershed would be subject to review by Water Resources staff and the City of Asheville.

Mr. Forest Westall, representing McGill Associates, said that provided the review of the 2002 Mills River Watershed Management Strategy - Ten Years Later. Using a PowerPoint, he reviewed the points of focus, land use change/conversion, nine priority watershed issues, and general conclusions. The following are the recommendations: (1) place primary focus on the most immediate and critical risks: agricultural nonpoint sources, stormwater management for existing development and erosion and sediment control for non-regulated activities; (2) work within appropriate non-regulatory framework to establish specific water quality improvement projects directed at the highest priority sites; (3) establish regular training/public information opportunities for interested citizen and business and farm owners and personnel; (4) commit appropriate resources, continue planning efforts and work with established organizations to promote and achieve the long term objectives affecting future water quality: managing land conversion; (5) build strong relationships between non-regulatory activities in the watershed and regulatory programs, particularly with local government jurisdictions; (6) recognize and utilize the Mills River Partnership (MRP) as the key non-regulatory mechanism in the watershed to coordinate and promote ongoing watershed management actions; (7) achieve agreement within the MRP membership on the best approach for establishing leadership and direction; (8) establish a consensus strategy within the MRP for the funding and support of the partnership; (9) identify, seek and establish long term funding mechanisms for the MRP; (10) promote continued monitoring efforts sufficient to document water quality changes in the watershed; (11) improve hazardous spill operational programs for the water treatment systems in the watershed. Coordinate activities between both cities in strengthening the response plans for the facilities; and (12) work to establish effective "early warning systems" for rainfall/runoff events that can impact day to day water plant operational activities. Consider the use of automated monitoring sites for stream turbidity at key locations upstream of the lower intakes with real time data availability.

Because there were some questions raised by Councilman Hunt regarding financial support for the MRP, it was the consensus of Council to discuss this at the next Finance Committee meeting.

C. RECREATION BOARD UPDATE

Mr. Wayne Wheeler, Chair of the Recreation Board, briefed Council on their activities of the past year and goals for the upcoming year.

On behalf of City Council, Vice-Mayor Manheimer thanked Mr. Wheeler for his leadership and the entire Board for their dedication.

D. RIVER DISTRICT DESIGN REVIEW COMMITTEE UPDATE

Mr. Terry Meek, Chair of the River District Design Review Committee, briefed Council on their activities of the past year and goals for the upcoming year.

On behalf of City Council, Vice-Mayor Manheimer thanked Mr. Meek for his leadership and the entire Committee for their dedication.

E. LEGISLATIVE & WATER UPDATE

RESOLUTION NO. 13 -58 - RESOLUTION OPPOSING HOUSE BILL 252 REGARDING ASHEVILLE WATER SYSTEM FUND TRANSFERS

Deputy City Manager Jeff Richardson highlighted for Council some legislative issues of interest as follows: House Bill 252 - Asheville Transfers; House Bill 224 - Asheville Extraterritorial

Jurisdiction and Annexation (Asheville only); House Bill 79 - Annexation; House Bill 150 - Zoning/Design & Aesthetic Controls; House Bill 120/Senate Bill 108 - Building Inspections/Local Consistency; Senate Bill 363 - Business Tax Reduction and Reform; Senate Bill 394 - Lower Tax Rates for a Stronger North Carolina Economy; Park Authority House DRH30201 -LM-106C - Establish a City/County Parks & Recreation Authority; Senate Bill 3 - Western Crime Lab Funds/Amend Evident Laws; House Bill 48 - Operation of Mopeds; and House Bill 30 - Repeal Combined Motor Vehicle Registration/Tax System.

City Attorney Oast presented Council with a proposed resolution opposing House Bill 252 regarding Asheville Water System Fund transfers, which loss of authorization would have the following consequences: (1) Loss of \$1.8 Million/year and \$20 Million over the next ten years in the City's capital improvements program; (2) Property tax increase of up to 5% in order to replace lost revenue; (3) Jeopardize completion of the Azalea Road improvement project and the Lake Craig Flood Control Project, both already funded and shovel ready; (4) Eliminate a valuable funding source for much anticipated future economic development, water and transportation projects, such as the River Arts District Transportation Improvement Project (RADTIP) and Merrimon Avenue commercial corridor improvements; and (5) Limit the City's ability to seek grant funds or matching funds for other projects.

Ms. Teddy Jordan supported the resolution opposing House Bill 252.

Vice-Mayor Manheimer noted that we do have some allies across the state that are speaking up on behalf of cities. They encourage cities to pass resolutions if they are opposed to specific legislation.

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

Councilman Hunt moved for the adoption of Resolution No. 13-58. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 215

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF THE PROJECT IDENTIFIED AS MYRA VILLAGE LOCATED AT 11 MYRA PLACE FOR A NINE UNIT MULTI-FAMILY DEVELOPMENT, INCLUDING THE COMPLETION OF PARTIALLY-CONSTRUCTED STRUCTURES FROM A PREVIOUS PROJECT, AND A MODIFICATION REQUEST TO ALLOW PARKING WITHIN A PROPERTY LINE BUFFER

ORDINANCE NO. 4173 - ORDINANCE TO CONDITIONALLY ZONE THE PROJECT IDENTIFIED AS MYRA VILLAGE LOCATED AT 11 MYRA PLACE

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone the project identified as Myra Village located at 11 Myra Place, and identified on the Buncombe County tax maps and records as PIN 6918-90-9765, from RS-4 Residential Single-Family Medium Density District to RM-6 Residential Multi-Family Low Density District/ Conditional Zoning, for a nine unit multi-family development, including the completion of partially-constructed structures from a previous project, and a modification request to allow parking within a property line buffer. This public hearing was advertised on March 15 and 22, 2013.

Ms. Bernstein said that the applicant is requesting a Conditional Zoning for one parcel located at 11 Myra Place from RS-4 (Residential Single-Family Medium Density District) to RM-6

(Residential Multi-Family Low Density District) in accordance with Section 7-7-8 of the UDO, for the development of a nine unit residential proposal.

The applicant is proposing a nine-unit multi-family residential development, housed within four structures. Plans propose three duplexes and one triplex containing four two-bedroom and five three-bedroom units. The two duplex structures at either end of the site are currently 90% complete from a previous approval. Plans indicate completion of the development in three phases.

The site will be accessed in three locations. There are two driveways from Myra Place, each accessing a small parking area (10 spaces at the southern lot and eight spaces at the northern lot). Additionally there is a single driveway from Old Haywood Road that provides access to individual drives / garages for the duplex and triplex located in the center of the site. Bike parking is required.

Old Haywood Road is identified as a needed linkage; however, sidewalk construction is not required for a development with less than 10 units. An easement for future construction will be provided. No sidewalks are provided or required along Myra Place. There is a 5-foot wide sidewalk/pathway proposed throughout the interior of the project, connecting the common parking areas to the units.

Landscaping is required for this project and includes a Type A (20') property line buffer against adjacent RS-zoned properties, street buffer, street trees, parking lot and building impact landscaping.

Open space is required for this project, with 15% of the site designated (0.28 acres). Additionally, 30% of the total site is identified as "tree save area."

The applicant is requesting the following standard to be modified, based on existing conditions from the partial construction and previous approvals for the site.

- **Encroachment:** Parking is not permitted within a property line buffer but there is a very small area where the northernmost parking lot encroaches into the Type A buffer. This modification will need to be approved by City Council.

This proposal was approved with conditions by the Technical Review Committee on February 18, 2013. The Planning & Zoning Commission unanimously recommended approval of this project at their meeting on March 6, 2013. No opposition or communication has been received as of the writing of this report.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**
The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.
2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate**

vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

The proposed use and development of the land is compatible with the natural features and topography of the site. The parcel was graded with the (stalled) construction and this proposal will complete the work at either end of the site and add two buildings between them, more closely resembling the 2008 approval for the location. The landscaping proposed is fitting and compatible with the adjacent residential neighborhood. There are no significant topographic features on the site.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The proposed residential use is compatible with the surrounding residential neighborhood and should not injure the value of nearby properties. With the underlying RS-4 zoning between 5-8 units would be permitted by right. The proposed zoning, RM-6, is the lowest density multi-family zoning district and would permit 11 residential units. The applicant is only proposing nine units, so this proposal is not significantly outside of the current allowed density. Additionally, completing the construction and closing out a stalled construction site should benefit the neighborhood.

4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

The proposed residential use is consistent with the surrounding neighborhood. Although duplexes and triplex structures are not permitted by-right in the surrounding single-family zoning district, these structures are single-story and will have a similar, lower impact residential profile (with one exception of the existing two-story duplex at the southernmost end of the site adjacent to Highway Business zoning). Additionally, as mentioned in Condition 3, the proposal for nine units is not significantly outside of the current allowed density for the site.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

City-adopted plans and policies encourage infill development and greater density where appropriate. This location has (some) existing infrastructure, is appropriately sited and provides residential options.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

This site is located just off I-240/Patton Avenue, which places the project in an easily accessible location by car and Asheville transit (old rt. 15 – new W3). The project has been reviewed by the Technical Review Committee and has been found to have adequate access to infrastructure.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The proposed project has been reviewed by the City's traffic engineer and is not expected to cause undue traffic congestion or create a traffic hazard.

Pros:

- The proposal is aligned with Council's goals for infill development and additional residential density where appropriate.
- This action will allow for an open, stalled construction site to be completed.

Cons:

- A (small) modification is needed to allow parking within a property line buffer.
- Although not significantly out of scale, the proposed duplex and triplex structures and surface parking are not entirely visually consistent with single-family zoning.

Based on the above findings, staff recommends approval of the conditional zoning request and approval of the modification as requested by the applicant.

Vice-Mayor Manheimer opened the public hearing at 4:01 p.m.

Mr. Joe Ferikes, developer, explained that they are looking forward to completing this foreclosed project, and asked for Council's support of the conditional zoning.

Mr. Alan Ditmore supported the rezoning.

Vice-Mayor Manheimer closed the public hearing at 4:04 p.m.

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

Councilman Bothwell found that the request is reasonable based on information provided in the staff report and as stated in the staff recommendation, and that it is consistent with the master plan and other plans adopted by the City, and moved for the adoption of Ordinance No. 4173 to conditionally zone the project identified as Myra Village located at 11 Myra Place from RS-4 Residential Single-Family Medium Density District to RM-6 Residential Multi-Family Low Density District/Conditional Zoning and approval of the modification request to allow parking within a property line buffer, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (6) The sidewalk easement must be recorded prior to final zoning approval. This motion was seconded by Councilman Pelly and carried unanimously.

ORDINANCE BOOK NO. 28 - PAGE

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING FOR WEIRBRIDGE VILLAGE LOCATED ON HENDERSONVILLE ROAD, LEGACY OAKS PLACE AND RACQUET CLUB ROAD TO ALLOW FOR THE INSTALLATION OF MENU BOARDS ON A COMMERCIAL OUTPARCEL

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance to amend the conditional zoning for Weirbridge Village located on Hendersonville Road, Legacy Oaks Place and Racquet Club Road to allow for the installation of menu boards on a commercial outparcel. This public hearing was advertised on March 15 and 22, 2013.

She said that in 2006, conditional zoning approval to Highway Business/Conditional Zoning was granted to property located at the corner of Hendersonville Road and Racquet Club Road. The site plan that was approved with the rezoning presented a mixed use development with commercial outparcels to the east (along Hendersonville Road) and 280 residential dwellings located on the middle and western portions of the property.

Subsequent to that approval (in 2008), the developer of Weirbridge Village returned to City Council with an amendment to the conditional zoning ordinance in the form of a comprehensive signage package. This package addressed the size and height of all signs for both the residential and commercial portions of the property. One item that was not addressed in this package, however, was an allowance for menu boards for drive thru facilities. A drive thru facility is now proposed for one of the outparcels and the conditional zoning ordinance being presented amends the existing sign package to allow for two menu boards (double order stations proposed). The proposed menu boards are 31 square feet in size (single-faced) which is less than is allowed for menu boards in the Unified Development Ordinance (36 square feet). While the UDO does not allow for two menu boards on a parcel, in recent instances, such a variance has been permitted by the City's Board of Adjustment.

Pro:

- The proposal amends a comprehensive, coordinated sign package for a major development in a manner in keeping with City standards.

Con:

- None noted.

Based on the analysis provided in the report, staff finds this request to be reasonable and recommends approval for the sign package amendment for Weirbridge Village.

Vice-Mayor Manheimer opened the public hearing at 4:08 p.m.

The construction project manager for McDonalds Corporation explained how they will be relocating their existing McDonalds on Hendersonville Road (approximately ¼ mile south) to this new location. Their business has gone through several changes and their drive through traffic is up to about 70%. The new drive through layout will allow them to move cars more efficiently on and off the lot safely.

Councilman Pelly noted Crowfield neighborhood concerns about traffic as the entrance into their neighborhood is about 100-200 feet south of this location. Concerns raised are that Crowfields traffic who wish to turn north on Hendersonville Road are sometimes blocked by the traffic in the center lane wishing to turn into the new development and that this will only make matters worse. The construction project manager said that have an entrance at the back of their parcel as well a red light at the Turtle Creek Drive intersection with Hendersonville Road. There are other ways to enter and exit off that parcel. He also noted that there is also a red light at the intersection of Hendersonville Road and Racquet Club Road.

Mr. Rusty Pulliam, property owner, said that he has met numerous times with residents at Crowfields and has offered offered to give them an easement for access to the light at Turtle Creek Drive free. He felt that if they have those traffic concerns, the access easement is still an option for them.

Mr. Jim Curl, President of the Crowfields Condominiums Association, said that this traffic is a major issue for them. He felt that allowing a McDonalds into Weirbridge will be an intolerable traffic situation and exacerbate the traffic concerns tremendously, not to mention their concern of decreasing property values and their quality of life.

Vice-Mayor Manheimer closed the public hearing at 4:21 p.m.

When Councilman Hunt asked Mr. Curl about the access easement offer, Mr. Curl said that Crowfields will probably take him up on the easement; however, it is not an ideal solution.

Councilman Bothwell had a great deal of sympathy for the neighborhood, however, the request before Council is for two menu boards. The development is already approved and fits within the guidelines for the property. He did feel that perhaps there should be an amendment to the UDO to allow for two menu boards on a parcel if variances are continuing to be requested and granted.

Councilman Pelly has met with the residents of Crowfields and is well aware of the problems that exist. He noted that during the next fiscal year, the City will be constructing several miles of new sidewalks along Hendersonville Road. He was frustrated that the development along Hendersonville Road has eroded the quality of life along that road and would vote against the amendment because the quality of development is not what the residents deserve.

Vice-Mayor Manheimer noted that the zoning package has already been approved for the usage of this parcel as a drive through for a restaurant. The only reason why this is before Council at this time is for the two menu boards. She noted that we are trying to preserve the quality of life, but also need to stand by the commitment to developers who have come before us with an approved plan.

City Attorney Oast noted that in order for this ordinance to pass, due to the absence of Mayor Bellamy and Councilman Smith, there will need to be an affirmative vote of all five Council members present. If the vote is less than that, the ordinance will need to come back for a second reading at the April 9 meeting.

Councilman Davis recommended that the matter be continued to April 9 to allow the full Council to vote.

Councilman Hunt moved to continue the matter to April 9, 2013, noting that the public hearing on this matter has been held. This motion was seconded by Councilman Davis and carried on a 4-1 vote, with Councilman Pelly voting "no."

Vice-Mayor Manheimer encouraged the developer and Crowfield representatives to discuss some creating compromising before the April 9 meeting. As far as Mayor Bellamy and Councilman Smith participating in the vote after the public hearing has already been held, they will have an opportunity to review any documents of the Council proceedings.

V. UNFINISHED BUSINESS:

A. MOTION GRANTING AN ADDITIONAL ONE-YEAR EXTENSION FOR THE PROJECT IDENTIFIED AS EAGLES LANDING, LOCATING AT 179 JOHNSTON BOULEVARD

Planning & Community Development Judy Daniel said that this is the consideration of a request for a one year extension of the conditional zoning approval for the Eagle's Landing development.

The Eagles' Landing development (consisting of 25 homes located at 179 Johnson Blvd.) was granted a conditional zoning in 2007, and the original developer subsequently sold the property to Habitat for Humanity. Because of the financial challenges in recent years, they have had delays arranging financing for the project, but remain committed to its completion.

In August of 2009 the City Council amended the approved conditional zoning to allow a few changes requested by Habitat, and extended the permit validity through October 11, 2010. Subsequently, through the North Carolina Permit Extension Act, the permit validity was extended through January 1, 2013. As they still faced financing issues, I was contacted by Habitat in 2012 about a further extension as allowed in the UDO. (The Planning Director is authorized to grant a

six month extension under Sec. 7-7-8(c)(9) which she granted.) These combined extensions will expire on July 1, 2013.

While close to being able to proceed with the project, Habitat is still awaiting final financing. They have applied for HOME funds this year to assist with infrastructure costs for the project, and if they are successful, the timing will not allow a start date meeting the July 1 deadline.

Habitat now anticipates that work at the site may not be able to commence until late in the summer or early fall.

In order to secure the project approval until the financing structure is completed, Habitat is requesting that the Council authorize a further extension of one year (also allowed within Sec. 7-7-8(c)(9) of the UDO). That provision allows the City Council to approve one additional extension of up to one year if the Council believes there is sufficient justification for the extension. The extension would extend the permit through July 1, 2014.

The staff believes it important to support the efforts and commitment of Habitat to this project. It will provide important and needed affordable housing options.

This proposal most closely supports the goal of *affordable* as it sustains the potential for an affordable housing development project to proceed, meeting the goal of supporting the creation and preservation of affordable rental and home ownership opportunities in Asheville.

Pro:

- Allows more time for this non-profit developer to secure final funding to complete this affordable housing project.

Con:

- None discernible.

No direct fiscal impact to the City as the action only extends the time available before the developer must act on the permit approval.

Staff recommends Council approval of this one year extension of the conditional zoning permit for Eagles' Landing.

Mr. Alan Ditmore supported this additional one-year extension.

Councilman Hunt moved to grant an additional one-year extension for the project identified as Eagles Landing, located at 179 Johnston Boulevard. This motion was seconded by Councilman Davis and carried unanimously.

B. ASHEVILLE DOWNTOWN IMPROVEMENT DISTRICT INC.

Vice-Mayor Manheimer announced that the consideration of the budget, tax rate and by-laws of the Asheville Downtown Improvement District has been continued to April 9, 2013.

VI. NEW BUSINESS:

A. ORDINANCE 4174 - ORDINANCE ADOPTING THE FISCAL YEAR 2013-14 FEES & CHARGES

Budget Manager Tony McDowell said that this is the consideration of proposed fee adjustments for the Fiscal Year 2013-2014.

The major types of revenue available to North Carolina counties and municipalities are local taxes (including property taxes); local fees, charges and assessments; and intergovernmental and miscellaneous revenue. Local governments have increasingly looked for appropriate opportunities to implement local fees and charges because they generally have the advantage of aligning service provision directly with payment; therefore, the person or entity receiving the benefit of a service pays for the service.

In Asheville, these fees make up about 10% of the City's General Fund revenue and 36% of city-wide revenue. These fees generally fall into three major categories: general user fees and charges; regulatory fees, and; public enterprise fees and charges.

- **General User Fees & Charges:** User fees are available feasible for any service that directly benefits individual users and generally are placed in the General Fund to support any general fund activity or program. User fees typically only cover a portion of the cost of the services for which they are assessed. Charges for parks and recreation services would fall into this category.
- **Regulatory Fees:** Regulatory fees cover costs associated with certain regulatory activities such as issuing building permits, performing inspections, reviewing development plans, and enforcing local ordinances. Case law requires regulatory fees to be reasonable and prohibits them from exceeding the average costs of funding the regulatory service.
- **Public Enterprise Fees & Charges:** A public enterprise is an activity of a commercial nature that could be provided by the private sector (water, sewer, electric service, solid waste collection and disposal, stormwater, airports, off-street parking, public transportation, etc.). Many public enterprises are self-supporting, meaning revenue generated from fees and charges is sufficient to cover the cost of providing the service.

General User Fee Category: Staff is recommending that Council replace the \$3.50 per month household recycling charge with a \$7.00 per month solid waste fee. This change in the fee structure is the first step in a multi-year Solid Waste Reduction Program. Staff is also recommending adjustments to various Parks and Recreation fees to move closer to full cost recovery for certain programs and services. There were some fees regarding the Aston Park Tennis Center; however, staff is recommending those be removed from Council consideration at this time.

Public Enterprise Category: In the Parking Fund, staff is proposing a 25-cent increase in the hourly fee for both garage and metered parking. The first hour will remain free in all garages. In the Water Resources Fund, staff is proposing the creation of a new manufacturing customer class, as well as the flowing rate adjustments:

- Single Family, Multi-Family, Small Commercial: 1% increase
- Large Commercial (>1,000 CCF/month): 3% increase
- Wholesale & Irrigation: 4% increase
- New Class Manufacturer (1-999 CCF/month): 1% increase (Rate same as small commercial \$3.22/CCF)
- New Class Manufacturer (>1,000 CCF/month): 0% increase (Rate held flat from Large Commercial rate \$1.69/CCF)
- Capital Improvement Fee: 1% increase for each meter size

The proposed FY 2013-14 fee adjustments were reviewed by the City Council Finance Committee on February 26, 2013, and a full summary and analysis of the proposed fees and charges was provided to Council.

This action complies with the City Council Strategic Operating Plan goal of “Operate the City of Asheville to the highest levels of fiscal responsibility.”

Pros:

- Provides additional revenue to help balance the FY 2013-14 General Fund budget and fund Solid Waste Reduction initiatives.
- Provides staff with time to begin communicating fee changes to citizens, customers and stakeholders so they are aware of changes that will be implemented on July 1.

Con:

- None.

The fiscal impact of the proposed fee changes is shown in the table below. If Council approves, the proposed monthly solid waste fee, staff is recommending that approximately \$400,000 from the new fee be used in FY 2013-14 to fund Solid Waste Reduction initiatives, including the purchase of route optimization software and solid waste and recycling containers for downtown.

Fund	Additional Revenue
General Fund	\$1,437,765
Water Resources Fund	\$307,513
Parking Services Fund	\$370,450

Staff recommends that Council adopt the proposed FY 2013-14 fee proposals.

Councilman Hunt confirmed that staff will not change the fee structure for Aston Park Tennis Center at this time. Parks & Recreation Director Roderick Simmons replied that they will be looking holistically the different staffing levels to operate that facility and report back to Council prior to adoption of the budget. The Food Lion Skate Park will also be included in their holistic analysis.

Councilman Davis felt there might need to be a larger conversation with the community to understand that we are trying to recover the costs of solid waste handling.

Councilman Bothwell explained that we are trying to be as green as we claim to be and we need to reduce the amount we dump in the landfill.

Councilman Hunt moved to adopt Ordinance No. 4174, with the exception of the fees related to the Aston Park Tennis Center, the Food Lion Skate Park and the Solid Waste Fees.

When Councilman Davis explained that he concurred with the solid waste fee, but was concerned about educating the public, Councilman Hunt then moved to adopt Ordinance No. 4174, with the exception of the fees related to the Aston Park Tennis Center (noting that the Food Lion Skate Park does not have any fees associated with this ordinance), and with the understanding that both the Tennis Center and Skate Park will be discussed further in the April 3 budget worksession. This motion was seconded by Councilman Pelly.

Mr. Alan Ditmore noted that conservation not only applies to trash, but to water as well, and the increase is a regressive tax.

Brother Christopher Chiaromonte was concerned with the government becoming a dictatorship in forcing people to pay the solid waste fee whether they recycle or not.

Councilman Davis said that regarding water rates, we are in line with the consultant recommended - increasing a small amount at a time and creating two new manufacturing class categories. He stressed that we are trying to be responsible stewards.

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

The motion made by Councilman Hunt and seconded by Councilman Pelly carried unanimously.

ORDINANCE BOOK NO. 28 – PAGE

B. RESOLUTION NO. 13-60 - RESOLUTION DIRECTING CITY MANAGER TO OFFER EARLY RETIREMENT INCENTIVE PROGRAM

Human Resources Manager of Health and Wellness Cheryl Walker said that this is the consideration of offering a Retirement Incentive Program for employees who are eligible to retire under the NC Local Governmental Employees Retirement System.

With the continued financial constraints, personnel services costs are continually evaluated and reviewed to determine if staffing levels and utilization are maximized. Part of this evaluation this year included a review of Retirement Incentive Programs. The City has offered Retirement Incentive Programs in the past, with the last one being in 2009. Historically, these programs have enabled the City to reduce the overall personnel costs and realign resources. The program provides those employees eligible for retirement with the NC Retirement System to receive a special financial incentive if they voluntarily agreed to retire in the current fiscal year.

In developing the proposed 2013 Retirement Incentive Program (Program), staff changed the incentive and the timeframes compared to the previous programs the City offered. Those retiring under this Program must indicate their intention no later than the May 17th, with an effective retirement date of either June 1 or July 1.

Staff has identified 145 employees who are eligible for unreduced or reduced retirement benefits by July 1, 2013. If 20% of those eligible to participate elect to retire prior to July 1, 2013, that would open up approximately 29 positions.

Departments with employees retiring under this Program may be required to adjust their budgets to reduce overall expenses. The position and/or salary from the vacated position(s) may not be available to the department for FY 2013-14. Consequently, reorganization or re-alignment of department activities may be necessary, particularly when a retiree leaves an essential position that cannot be eliminated or remain vacant for the entire fiscal year.

While this program could result in significant savings in personnel services costs, it also challenges departments' ability to provide critical services. Staff will develop a workforce review process to allow departments to request a waiver of the hiring freeze for critical positions or to utilize temporary employees to cover mandated functions. Staff will work together to develop opportunities to reorganize functions and ensure departmental business plans are evaluated and projects and work is prioritized and adjusted as necessary to match new staffing levels.

The estimated FY 2013-14 cost savings for the Program is difficult to predict based on the fact there is no way to know the level of participation that will be elected by those eligible. However, the following assumptions provide some insight into potential savings:

Assuming 29 employees elect to take the incentive.
Average salary is \$54,238
Average incentive payment is \$8,135

Average Vacation/Comp payment is \$7,280
If positions are held vacant for a period of 6 months at minimum the estimated savings would be approximately \$12,189 per position for a total of \$353,481 for FY 2013-14.

Staff will report back to Council on the financial impact of the program as part of the FY 2013-14 1st quarter financial report.

City staff recommends City Council authorize the offering of a Retirement Incentive Program for retirement prior to July 1, 2013 for employees who are eligible to retire under the NC Local Governmental Employees Retirement System.

At 5:01 p.m., Councilman Hunt moved to recuse Vice-Mayor Manheimer from the remainder of the meeting. This motion was seconded by Councilman Bothwell and carried unanimously.

Councilman Bothwell moved to appoint Councilman Davis to preside over the remainder of the meeting. This motion was seconded by Councilman Pelly and carried unanimously.

Councilman Davis was assured by Ms. Walker that neither public safety nor customer service would be compromised from employees taking advantage of this program.

After City Attorney Oast read the resolution, Councilman Davis asked for public comment. No one spoke.

Councilman Hunt moved to adopt Resolution No. 13-60. This motion was seconded by Councilman Bothwell and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Councilman Bothwell, Chair of the Public Safety Committee, noted that the Committee instructed the City Attorney to craft a resolution to support the bill that would outlaw synthetic marijuana.

Councilman Davis reported on a trip sponsored by MetLife about our growing age population as it relates to transportation accessibility and affordability.

Brother Christopher Chiaromonte noted that the homeless need a peaceful, secure place to sleep.

Lawsuit

On March 8, 2013, the following civil action was received by the City: W&K Hotels, LLC, d/b/a Four Points by Sheraton; Hospitality Lodging Investors, II, LP, d/b/a Hotel Indigo; and Nesbitt Asheville Venture LLC d/b/a The Renaissance Hotel v. City of Asheville, et al. The nature of the proceeding is a complaint for declaratory judgment. This matter will be handled by an attorney outside the City Attorney's Office.

VIII. ADJOURNMENT:

Councilman Davis adjourned the meeting at 5:15 p.m.

CITY CLERK

MAYOR