Tuesday – April 22, 2014 - 3:00 p.m.

Budget Worksession

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

Absent: None

Finance Director Barbara Whitehorn recapped the process. Expectations are modest growth in revenues: (1) Property tax - no increase to rate; (2) Sales Tax; (3) Building permits are up; and (4) Business privilege licenses. Her challenge from the City Manager has been to evaluate processes, trends and expenditure patterns and consider alternatives that may improve productivity and save money. While property taxes are not expected to increase significantly in Fiscal Year 2015, it is important to note that increasing permit activity is a leading indicator for property value increases, whether increases to existing property through improvements, or additions to the property tax roll through.

She explained their goals from Council are (1) continue to provide core services; and (2) priorities/ guidance from City Council (a) compensation - employee compensation pool; (b) transit - Sunday Service; and (c) Police strategic plan - compensation; vehicle replacement; take-home vehicle program; and management structure changes. The graffiti program one-time expense of approximately $300,000 will be included in the operating budget. She explained how savings identified in the Current Year will be swept into Fiscal Year 2014-15 budget to fund the cost of living adjustment. General Fund expenditures will be by managed savings in the current fiscal year,

She then reviewed the enterprise funds: (1) Water Fund (a) continued stable performance; (b) minor rate adjustments based on financial model were approved on April 8; and (c) $10.1 Million pay-go investment in water capital improvements; (2) Transit Fund (a) limited Sunday service; (b) continued financial pressure; and (c) General Fund support increased by $621,000; (3) Parking Fund (a) strong revenue growth; (b) no adjustments to garage or meter rates; and (3) maintain $616,000 in support to Transit Fund; and (4) US Cellular Center Fund (a) strong performance in Fiscal Year 2013-14; (b) anticipated savings from outsourcing custodial operations; and (c) no increase in General Fund operating support.

Throughout Ms. Whitehorn's presentation, she responded to various questions/comments from Council.

Ms. Whitehorn then reviewed the upcoming dates associated with adoption of the budget.

At 4:00 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – April 22, 2014- 5:00 p.m.

Regular Meeting

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

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. EMPLOYEE RECOGNITIONS

City Manager Jackson recognized Mr. David D. Bailey, President and CEO of the United Way of Asheville and Buncombe County, and Mr. Richard Caro, United Way's Resource Development Manager, who then recognized the Public Services Division Coordinator Police Chief William Anderson; along with the following Campaign Coordinators: Scott Burnette, Curtis Jones, Chris Collins, Brad Stein, Alex Carmichael, Rachel Buckner, Robin Rice, Gina Zachary, Jannice Ashley, Caroline Long, Christy Bass, Christy Edwards, Jakob Klodt, Alina Law, and Darlene Barnwell.

Mayor Manheimer thanked the employees on what they do on behalf of the City of Asheville and City Council. She was proud of City staff and looked forward to highlighting more accomplishments.

B. PROCLAMATION PROCLAIMING APRIL 20-26, 2014, AS "ADMINISTRATIVE PROFESSIONALS WEEK"

Vice-Mayor Hunt read the proclamation proclaiming April 20-26, 2014, as "Administrative Professionals Day" in the City of Asheville. He presented the proclamation to Ms. Mary Ann Schiller, Vice-President of the Land of the Sky Chapter of the International Association of Administrative Professionals, along with Sandy Stotesbury and Monica Strickland, who briefed City Council on some activities taking place during the week.

C. PROCLAMATION PROCLAIMING APRIL 21-26, 2014, AS "NATIONAL COMMUNITY DEVELOPMENT WEEK"

Mayor Manheimer read the proclamation proclaiming April 21-26, 2014, as "National Community Development Day" in the City of Asheville. She presented the proclamation to Community Development Director Jeff Staudinger, and program partners, who briefed City Council on some activities taking place during the week.

D. PROCLAMATION PROCLAIMING MAY AS "MOTORCYCLE AWARENESS MONTH"

Councilman Davis read the proclamation proclaiming May, 2014, as "Motorcycle Awareness Month" in the City of Asheville. He presented the proclamation to Mr. Roger Williams, representing the Concerned Bikers Association, who briefed City Council on some activities taking place during the month.

E. PROCLAMATION PROCLAIMING MAY 4-10, 2014, AS "NATIONAL DRINKING WATER WEEK"

Councilman Bothwell read the proclamation proclaiming May 4-10, 2014, as "National Drinking Water Week" in the City of Asheville. He presented the proclamation to Mr. Ivan Thomas, Operations Manager for the Water Resources Department, who briefed City Council on some activities taking place during the week.

F. PROCLAMATION PROCLAIMING MAY 6-12, 2014, AS “NURSES WEEK”

Councilman Pelly read the proclamation proclaiming May 6-12, 2014, as "Nurses Week" in the City of Asheville. He presented the proclamation to Mission Hospital's Chief Nursing Officer Karen Olsen, along with Ms. Kathy Guyette, Stephanie Whitaker, Ginny Raviotta and Cherry Odom, who briefed City Council on some activities taking place during the week.

G. PROCLAMATION PROCLAIMING MAY 16-22, 2014, AS “STRIVE NOT TO DRIVE WEEK”

Councilwoman Wisler read the proclamation proclaiming May 16-22, 2014, as "Strive Not To Drive Week" in the City of Asheville. She presented the proclamation to Mr. Jim Grode, Chair of the Multimodal Transportation Commission, who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

At the request of City staff, Vice-Mayor Hunt moved to continue to May 13, 2014, Consent Item "C" - Resolution authorizing a land exchange with the UNC-Asheville Foundation, Inc., for City-owned real property at Broadway Street for a greenway easement along Reed Creek. This motion was seconded by Councilman Bothwell and carried unanimously.

Consent Agenda Items "H" and "M" were removed from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 8 2014

B. RESOLUTION NO. 14-70 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE US DEPT. OF TRANSPORTATION TIGER PROGRAM FOR ELEMENTS IN THE FOLLOWING PROJECTS: RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT, FIVE POINTS ROUNDABOUT, CLINGMAN FOREST GREENWAY, TOWN BRANCH GREENWAY, FRENCH BROAD RIVER GREENWAY, AND LIVINGSTON STREET "COMPLETE STREETS" IMPROVEMENT PROJECT; AND TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF COMMITMENT TO PROVIDE MATCHING FUNDS IF THE CITY IS AWARDED THE GRANT

Summary: The consideration of a resolution authorizing the City Manager to submit a grant application to the U.S. Dept. of Transportation (USDOT) TIGER Program, and to authorize the City Manager to sign a letter of commitment to provide matching funds if the City is awarded the grant.

On March 3, 2014, the USDOT released a notice of funding availability for this, the sixth round of TIGER (Transportation Improvements Generating Economic Recovery) funds. Nationally, $565 Million will be allocated for construction projects; $35 Million for planning projects. The award minimum is $10 million.

Staff is in the process of preparing a TIGER VI grant application for transportation construction funding. The application will include the RADTIP and other complete streets and greenways improvements in the East of the Riverway area. Many of these projects were developed and studied in the East of the Riverway Multimodal Neighborhood Project, which was funded with a TIGER II Planning Grant.

The TIGER Program is a highly competitive discretionary grant program. Approximately five percent of applications receive funding. Applicants are asked to submit projects that will deliver five long-term outcomes: safety, economic competitiveness, state of good repair, livability and environmental sustainability. The TIGER Program also has an emphasis on economic recovery. Applications must include a benefit-cost analysis. The application is due on April 28th.

For this round of TIGER, projects must be ready for implementation by certain deadlines. All funds must be fully expended by September 2021. Generally this means that construction for all projects would be likely to happen between 2016 and 2020.

Staff has identified six key transportation projects that will create a multi-modal transportation network along the riverfront and East of the Riverway. These projects total approximately $27.1 million. Staff is in the process of refining the scope and budget of transportation elements that will be included. Although the minimum required match is 20%, successful projects usually have a much bigger commitment of local funds. Therefore, we anticipate submitting an application for $10-$15 million in TIGER funds. In other words, we expect for the local match to be more in the range of 45% to 65%. The application will need to include a commitment to provide matching funds. Staff is confident that other stakeholders and partners will contribute to the project and provide matching funds. However, these commitments will not be able to be made until after the application deadline. Therefore, the City will need to make a commitment in the application to provide the entire amount of the match.

The City of Asheville application will include the following project elements (cost estimates are subject to change):

- The RADTIP - a multi-modal transportation project that will construct roadway improvements, sidewalks, bike lanes and greenways along Lyman Street and part of Riverside Drive adjacent to the French Broad River. Total cost approximately $20 million.

- Five Points Roundabout – a key connection between the RADTIP and the multi-modal network in the East of the Riverway Area. Total cost approximately $600 thousand.

- Clingman Forest Greenway – connects the riverfront area with downtown. Total cost approximately $1.5 million.

- Town Branch Greenway – connects the riverfront, Southside neighborhood, and south slope of downtown. Total cost approximately $2.5 million.

- French Broad River Greenway (West Side – Duke Energy Donation) – completes a key link in the riverfront greenway system, connecting the French Broad River Park system to the RADTIP and the site of New Belgium Brewing. Total cost approximately $1 million.

- Livingston Street “Compete Street” Improvements – a recommendation of the East of the Riverway Connections plan. The project will be designed in close coordination with the neighborhood. Total cost approximately $1.5 million.

Local partnerships are an important element of successful TIGER Projects. Staff is reaching out to other agencies and key officials to ask for support of this grant application and for the suite of transportation projects. This effort is in concert with other efforts to develop funding partnerships that will contribute to the local match.

Pros:

- City Council has identified implementation of multi-modal transportation investments as a key strategic goal for the city.

- The City has engaged in and significantly invested in the planning activities that make the application timely and competitive;
- The TIGER Program is a significant funding opportunity that would allow the City to move forward on these investments.
- The City has already shown a commitment to implementing these projects as part of the Economic Development Capital Improvements Program.

Cons:

- If awarded, the City would be expected to provide matching funds and move forward with the projects.
- The projects would be required to follow federal guidelines for implementation.

The USDOT may choose to award the city with full or partial funding based on the application. If awarded, the city would begin the process of developing a grant agreement with USDOT. The specific funding amounts and project elements will be further defined at that time. By submitting the application, the City is indicating to the USDOT that the project matching funds will be committed, if the grant is awarded. Based on the preliminary budget numbers in the application, the City and its partners could expect to spend between $12 million and $17 million on these specific projects from FY16 to FY20. City funding will be included as part of the five-year Capital Improvement Program.

City staff recommends City Council adopt a resolution authorizing the City Manager to submit a grant application to the USDOT TIGER Program, and to authorize the City Manager to sign a letter of commitment to provide matching funds if the City is awarded the grant.

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C. RESOLUTION AUTHORIZING A LAND EXCHANGE WITH THE UNC-ASHEVILLE FOUNDATION, INC., FOR CITY-OWNED REAL PROPERTY AT BROADWAY STREET FOR A GREENWAY EASEMENT ALONG REED CREEK

Vice-Mayor Hunt moved to continue this item to May 13, 2014. This motion was seconded by Councilman Bothwell and carried unanimously.

D. RESOLUTION NO. 14-71 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES INC. FOR THE DEVELOPMENT OF THE MULTIMODAL TRANSPORTATION PLAN

ORDINANCE NO. 4302 - BUDGET AMENDMENT TO SET UP THE PROJECT BUDGET FOR THE DEVELOPMENT OF THE MULTIMODAL TRANSPORTATION PLAN

Summary: The consideration of: 1) a resolution authorizing the City Manager to enter into a General Services contract with Kimley-Horn and Associates, Inc. for the development of the Multimodal Transportation Plan for the City of Asheville; and 2) a budget amendment in the amount of $336,000; $200,000 awarded to the City by the Metropolitan Planning Organization as part of the Unified Planning Work Program in June 2013; and $136,000 from the City's General Fund and the Community and Economic Development CIP (EDCIP).

In order to address the City's growing transportation needs, the City of Asheville has proposed the development of a Multimodal Transportation Plan to analyze existing transportation infrastructure and to create strategies to develop a network of interconnected transportation modes. This plan will include measurable goals and detailed strategies for creating a vision to develop transportation networks to improve accessibility, connectivity and transportation

infrastructure throughout the City and at the same time becoming an element to promote economic development. The project is funded with FHWA metropolitan planning funds allocated through the French Broad River Metropolitan Planning Organization's Unified Planning Work Program grant, and with local funds.

The City issued a Request for Proposals for a Multimodal Transportation Plan in November 11, 2013. The RFP closed on December 13, 2013. Seven proposals were received from the following firms:

1. Moffat and Nichol, Raleigh, NC
2. Renaissance Planning Group, Inc., Durham, NC
3. Stantec Consulting Services, Inc., Raleigh, NC
4. Michael Baker Engineering, Inc., Asheville, NC
5. URS Corporation, Morrisville, NC
6. VHB Engineering NC, P.C., Raleigh, NC
7. Kimley-Horn and Associates, Inc., Raleigh, NC

The evaluation committee recommended Kimley-Horn and Associates, Inc. as the firm to provide services for the development of the City of Asheville Multimodal Transportation Plan. The firms were evaluated based on their experience, similar projects completed, team qualifications, quality of proposal, project management plan and project cost.

The project cost will be approximately $324,250, with $11,750 contingency added to that amount for unforeseen expenses the consultant may incurred during the development of the contract.

The Multi-modal Transportation Plan is intended to help further community goals and improve transportation facilities and services by:

1. Finding commonalities and efficiencies in existing transportation plans.
2. Analyzing current land use to determine areas of activity, and major generators and destination nodes and the effect of existing and proposed land use policies on the existing transportation network.
3. Improving the transportation of people and goods, using different modes and facilities.
4. Improving connectivity among main generators.
5. Providing guidance and transportation elements to implement the Complete Streets policy.
6. Planning a safe, efficient, accessible, cost-effective transportation system.
7. Providing a prioritized project list and policy recommendations that would reduce barriers to access transportation and ensuring an equitable transportation system.
8. Considering environmental impacts, including protecting and improving air quality and taking water quality and stormwater runoff issues into account.
9. Identifying funding opportunities.
10. Drafting a set of Street Design Guidelines with graphic illustrations.

This plan will be completed in approximately 14 months after signing the contract.

The Multimodal Transportation Commission endorses the development of this plan; a member of the Commission has been part of the Evaluation Committee.

Pros:

- The Multimodal Transportation Plan will analyze existing transportation infrastructure and needs across the city.
- It will create strategies to develop a network of interconnected transportation modes that promote efficient use of the transportation network and address inequality.

- The French Broad River Metropolitan Planning Organization (MPO) through the Unified Planning Work Program (UPWP) grant will provide $200,000 of the total cost which equates to $336,000.

Cons:

- The total maximum cost of the subject project is $336,000.
- Requires a City match of $136,000.

The cost of the Multimodal Transportation Plan will be approximately $324,250 with $11,750 contingency added to that amount for a total budget of $336,000. As noted above, $200,000 will be provided by the French Broad River Metropolitan Planning Organization (MPO) through the Unified Planning Work Program (UPWP) grant. The remaining $136,000 will come from the General Fund operating budget and the EDCIP. The adopted General Fund budget included $50,000 as the City's match or this grant. The additional $86,000 will be taken from EDCIP funds.

City staff recommends that City Council adopt 1) a resolution authorizing the City Manager to enter into a General Services contract with Kimley-Horn and Associates, Inc. for the development of the Multimodal Transportation Plan for the City of Asheville; and 2) a budget amendment in the amount of $336,000; $200,000 awarded to the City by the Metropolitan Planning Organization as part of the Unified Planning Work Program in June 2013; and $136,000 from the City's General Fund and EDCIP.

RESOLUTION BOOK NO. 36 - PAGE 140
ORDINANCE BOOK NO. 29 - PAGE 38

E. RESOLUTION NO. 14-72 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS ON I-240 FROM I-26/I-40 TO SR 1781 (BROADWAY)

Summary: The consideration of a resolution authorizing the City Manager to sign a municipal agreement with the N.C. Dept. of Transportation approving a project for making improvements on I-240 from I-26/I-40 to SR 1781 (Broadway) in Asheville.

The North Carolina Department of Transportation (NCDOT) plans to make improvements including concrete slab repair and/or replacements and resurfacing on I-240 from I-26/I-40 to SR 1781 (Broadway) in Asheville. The project, which is identified as I-5608, has a letting date of September 16, 2014. The NCDOT will prepare the environmental and/or planning documents, obtain applicable environmental permits, prepare the project plans and specifications, acquire any needed right-of-way, and construct or cause the project to be constructed including the administration of the construction contract.

It is understood that there are no municipally-owned water and/or sewer lines to be adjusted or relocated at this time. If during the project it becomes necessary to adjust or relocate municipally-owned water and/or sewer line, a separate utility agreement will be prepared.

The NCDOT has confirmed that the subject municipal agreement does not require a financial commitment.

Pros:

- A section of interstate highway will be improved.
- The NCDOT is funding and constructing the project.

Con:

- None

Staff recommends that City Council approve a resolution authorizing the City Manager to sign a municipal agreement with the NCDOT formally approving Project I-5608.

RESOLUTION BOOK NO. 36 - PAGE 141

F. ORDINANCE NO. 4303 - BUDGET AMENDMENT FOR DONATIONS FROM THE ASHEVILLE PARKS & GREENWAYS FOUNDATION AND OTHER PRIVATE DONATIONS FOR VARIOUS PARKS & RECREATION PROJECTS

Summary: The consideration of a budget amendment in the General Fund in the amount of $3,651 from donations for projects within the Parks and Recreation Department.

The City of Asheville has received donations totaling $3,651 from the Asheville Parks and Greenways Foundation and other miscellaneous donations to support projects within the Parks and Recreation Department. Funds will be used to support the projects listed below.

- $2,201 donation for Park Maintenance to purchase materials for the Our Parks Day, a volunteer work day at Carrier Park with the Asheville Parks and Greenways Foundation.
- $600 donation for Park Maintenance to purchase a bench for French Broad River Park.
- $850 donation for Aston Tennis Center to support the purchase of a tennis ball machine.

Pro:
- Provide funds to support parks, facilities and programming enhancements

Con:
- None

These donations enhance parks and recreation services at no impact to the General Fund operating budget.

Staff recommends City Council to approve a budget amendment in the General Fund in the amount of $3,651 from donations for projects within the Parks and Recreation Department.

ORDINANCE BOOK NO. 29 - PAGE 40

G. RESOLUTION NO. 14-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE WITH THE U.S. GENERAL SERVICES ADMINISTRATION FOR THE ASHEVILLE POLICE DEPARTMENT PROPERTY ROOM STORAGE SPACE AT THE VEACH-BALEY FEDERAL COMPLEX AT 151 PATTON AVENUE IN ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement with the U.S. General Service Administration for satellite property storage space at the Veach-Baley Federal Complex, located at 151 Patton Avenue in Asheville.

In an effort to address the lack of storage space for property and evidence related to police functions, the police department seeks to establish an off-site secure storage facility to house property and evidence as the existing storage space has been maximized. The subject property at 151 Patton Avenue provides approximately 2,185.28 square feet of storage space that is in good condition and requires minimal improvements to begin operations. The property is easily accessible with very good site/access security in place. The space has significant shelving and access controls.

The initial term for this proposed lease is 36 months, with renewal options within 60 days of the end of the fixed term. The contract cost for the leased premises is $21,852.80/year for a total of $65,558.40 for the 36 month term. The monthly payment of $1,821.07 shall be paid in advance, and the Lessor shall furnish the Lessee under the terms of this lease services and utilities as follows:

A. Janitorial and space maintenance services during normal building hours - 11 hours/day, excluding weekends and Federal holidays
B. All utilities during normal building hours – 11 hours/day, excluding weekends and Federal holidays.

Pros:

- Establishes secure property storage facility with convenient access;
- Facility is climate controlled with maintenance, janitorial services, and utilities included in the lease agreement;
- Facility provides ample storage for property and evidence which alleviates current space concerns at the Municipal Building.

Con:

- The impact of a 36 month fixed term lease on the police operations budget.

Fiscal impacts are as follows: FY14: $3,642.14 expenditure for remaining budget year. FY15-17: Lease cost of $21,852.80 per year to be included in the police department's annual operating budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute the lease agreement with U.S. General Service Administration for satellite property storage space at the Veach-Baley Federal Complex, located at 151 Patton Avenue in Asheville.

RESOLUTION BOOK NO. 36 - PAGE 142

H. RESOLUTION AUTHORIZING A 60-DAY EXTENSION TO THE PACK PLACE EDUCATION, ARTS & SCIENCE CENTER INC. LEASE

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

I. RESOLUTION NO. 14--75 - RESOLUTION AUTHORIZING IMPLEMENTATION OF MAY 19, 2014, AS "FARE FREE DAY" TO PROMOTE TRANSIT DURING STRIVE NOT TO DRIVE WEEK

Summary: The consideration of a resolution authorizing the City Manager to implement a fare-free day to promote transit during the Strive Not To Drive Week, May 16-25, 2014.

Twenty-five years ago Bike to Work Day was launched in Asheville. Over the years this event evolved into Strive Not To Drive (SNTD) Week focusing more broadly on a variety of transportation alternatives to the single-occupant car, including carpooling, walking, and public transit.

SNTD Week is an annual event encouraging people to avoid driving their car for a day or part of a day in order to experience the benefits and opportunities of walking, bicycling, riding the bus, carpooling, telecommuting, etc.

This year the Transit Sub-committee of the SNTD Committee would like to offer commuters the following options:

1. Riders Appreciation Day on May 19, which will include breakfast at the Transit Station and free fare for the day.

2. The Transit Committee, a sub-committee of the Multimodal Transportation Commission, will set up informational tables at the transit station to provide general information about the bus system.

Pros:

- The fare-free day would help promote the Strive Not To Drive activities.
- Fare-free day during the SNTD week would show appreciation for transit system's core riders.
- The free fare would potentially attract new riders.

Con:

- The system would lose about $2,200 in revenue.

The system would lose about $2,200 in revenue from current riders.

Staff recommends a resolution authorizing the City Manager to implement a fare-free day in order to promote the Strive Not To Drive activities.

RESOLUTION BOOK NO. 36 - PAGE 144

J. RESOLUTION NO. 14-76 - RESOLUTION DIRECTING STAFF TO PREPARE A REPORT ON A MUNICIPAL SERVICE DISTRICT FOR THE SOUTH SLOPE AND SETTING A PUBLIC HEARING ON MAY 27, 2014

RESOLUTION NO. 14-77 - RESOLUTION DIRECTING STAFF TO PREPARE A REPORT ON A MUNICIPAL SERVICE DISTRICT FOR THE RIVER ARTS DISTRICT AND SETTING A PUBLIC HEARING ON MAY 27, 2014

RESOLUTION NO. 14-78 - RESOLUTION DIRECTING STAFF TO PREPARE A REPORT ON A MUNICIPAL SERVICE DISTRICT FOR NORTH CHARLOTTE STREET AND SETTING A PUBLIC HEARING ON MAY 27, 2014

Summary: The consideration of three resolutions to create three municipal service districts for the purpose of accelerating capital investment in the South Slope, River Arts District, and north Charlotte Street areas, and to set the public hearings for May 27, 2014.

The 2010 City of Asheville report titled "A Community Crossroads" recommended that a move toward more focused and strategic capital investments by the City could increase long term returns in community and economic development. In 2011 and 2012, staff began developing a long term Capital Improvement Plan strategy that aligned with Council's goals to support in-fill development, job creation, affordable housing, and multimodal transportation. This strategy or plan became known as the Economic and Community Development Capital Improvement Plan or EDCIP. To support the implementation of this plan, Council passed a three cent property tax increase in June 2013, two cents of which is reserved to implement the EDCIP.

Around the same time, the City contracted with Parker Poe and DEC Associates to review financing options and strategies that would leverage the taxpayers' new investment in EDCIP projects. While several types of debt financing are available, staff found that only a few are appropriate and allowable for the type of improvements the City wants to make. One option that the City has not previously utilized is the Special Obligation Bond (SOB). The benefit of financing CIP investments with SOBs is that they are appropriate for key infrastructure investments such as the River Arts District Transportation Improvement Project (RADTIP), and

that they are an established best practice within municipalities across the state. Projects that are financed through SOBs must be located in a municipal service district as outlined in Article 23 of Chapter 160 A of the North Carolina General Statutes.

To identify potential districts, staff considered mixed use areas where proposed public infrastructure investments would be most likely to find leverage in private investment (thus creating the most economic and community development return); staff has identified the South Slope, River Arts District, and north Charlotte Street areas as potential municipal service districts.

If Council desires to move forward with the process, the next step is for Council to adopt three resolutions, each directing staff to create a report detailing the individual, proposed municipal service district; and for Council to set public hearing dates for each proposed municipal service district.

The Planning and Economic Development Committee of Council reviewed this item at their March 2014 meeting and asked staff to move the item forward for Council consideration.

This request is in alignment with Council's 2013-2014 Strategic Plan for Focus Area 1: Economic Growth and Fiscal Responsibility (seek to ensure a sustainable financial future for Asheville by promoting an environment where citizens and businesses want to live, work and invest). In particular, it is part of a coordinated strategy for Goal 1**:** Invest and leverage investment in community infrastructure.

Pros:

- Adoption of three resolutions provides further direction to staff and advances the process for Council's consideration of adopting three municipal service districts forward.

Cons:

- None

The use of Special Obligation Bonds (SOB's) is a key financial component of the City's Economic and Community Development Capital Improvement Plan or EDCIP. The financial model being developed in conjunction with Parker Poe and DEC Associates uses revenue from the three cent property tax increase mentioned above, along with resources already dedicated to the City's existing debt service budget, to fund all additional debt service that may arise from the future issuance of SOB's.

City staff recommends City Council adopt the three resolutions as presented.

When Rev. Christopher Chiaronmonte expressed concern that this item that would allow City Council to tax individuals without voice, Councilman Bothwell noted that this is only a resolution directing staff to prepare a report and to set a public hearing.

RESOLUTION NO. 14-76 - RESOLUTION BOOK NO. 36 - PAGE 145
RESOLUTION NO. 14-77 - RESOLUTION BOOK NO. 36 - PAGE 147
RESOLUTION NO. 14-78 - RESOLUTION BOOK NO. 36 - PAGE 149

K. RESOLUTION REGARDING NEW FDA REGULATIONS FOR FARMERS

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

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

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

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

H. RESOLUTION NO. 14-74 - RESOLUTION AUTHORIZING A 60-DAY EXTENSION TO THE PACK PLACE EDUCATION, ARTS & SCIENCE CENTER INC. LEASE

Summary: City Council provided direction to the City's outside legal counsel concerning negotiations involving the City's lease with Pack Place Education, Arts & Science Center, Inc. City Council was advised of a proposed action on the Pack Place Board agenda for April 9 to make an offer to renew the lease with the City under its existing terms. City Council was advised that Pack Place tenant Colburn Earth Science Museum wished to remain in the premises until December 31, 2014. Outside legal counsel advised Council of the potential benefits to extending the Pack Place lease for 60 days, which would be to provide the opportunity for lease negotiations to continue and the needs of Colburn Earth Science Museum and other tenants to be met, and of not seeking rent or capital contribution from Pack Place tenants, to allow a transition period for Pack Place tenants. City Council authorized the City Manager to offer to extend the Pack Place lease for 60 days, and to not seek rent or capital contribution from Pack Place tenants through the end of 2014, contingent on Pack Place not making the offer to renew the lease under its existing terms at this time. On April 9, 2014, the Pack Place Board passed a resolution to extend the lease with the City by 60 days, and the motion to offer to renew the lease under the existing terms was withdrawn. This extension is authorized pursuant to the provisions of N. C. Gen. Stat. sec. 160A-272.

City Council authorized (1) The City Manager to extend the Pack Place lease for 60 days; (2) The City of Asheville to not seek rent or capital contribution from Pack Place tenants for the year 2014; and (3) The City Manager to execute any and all other documents to effectuate the 60 day extension to the Pack Place lease.

Interim City Attorney McGlohon asked that the resolution before Council be amended include a "Whereas" to read "Whereas, a notice shall be published regarding the 60-day extension."

Vice-Mayor Hunt moved for the adoption of the amended Resolution No. 14-74. This motion was seconded by Councilman Smith.

Mr. Ken Michalove, spoke against the the direct lease between the City and the Asheville Art Museum and urged them to continue the existing lease between Pack Place and the City for another 10 years.

The amended motion made by Vice-Mayor Hunt and seconded by Councilman Smith carried unanimously.

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K. RESOLUTION NO. 14-79 - RESOLUTION REGARDING NEW FDA REGULATIONS FOR FARMERS

The 2011 Food Safety and Modernization Act (FSMA) "aims to ensure the U.S. food supply is safe by shifting the focus from responding to contamination of the food supply to preventing it." Under FSMA, the U.S. Food and Drug Administration's (FDA) proposed rule, *Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventative Controls for Food for Animals*, would regulate the process by which spent brewer's grain and spent distiller's grain could be used as a source of feed for animal livestock. This rule would subject the grain byproduct to the same sanitary handling, records keeping, packaging, and analysis regulations as manufactured livestock- and pet- food.

Brewery and agricultural industry associations nationwide have expressed opposition to the proposed rule, citing a lack of scientific analysis showing the longstanding practice to be unsafe and a financial burden that would disrupt the otherwise symbiotic relationship. The practice of using spent grains for animal livestock feed saves brewers and distillers from the costs of disposing of large quantities of the byproduct in landfills while simultaneously providing a nutrient-rich food source for farms. The cost of compliance with the new rule is expected to virtually eliminate this practice.

At this point in our analysis, staff finds no concern with the adoption of a resolution in opposition to new FDA regulations for farmers.

Vice-Mayor Hunt amended the resolution to reflect that City Council encourage the FDA to reconsider its regulation and only adopt a rule that both protects our food supply and is minimally disruptive to the long-standing practice of brewers providing wet grain to farmers, with supports both the farming and brewing industries.

When Mayor Manheimer asked for public comment, no one spoke.

Vice-Mayor Hunt moved to adopt the amended resolution. This motion was seconded by Councilman Bothwell and carried unanimously.

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III. PRESENTATIONS & REPORTS: None.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE UNIVERSITY HEIGHTS AND A PORTION OF EDGEWOOD ROAD

RESOLUTION NO. 14-80 - RESOLUTION TO PERMANENTLY CLOSE UNIVERSITY HEIGHTS AND A PORTION OF EDGEWOOD ROAD

Interim Director of Public Works Ken Putnam said that this is the consideration of a resolution to permanently close University Heights and a portion of Edgewood Road. This public hearing was advertised on March 28, April 4, 11 and 18, 2014.

N.C. Gen. Stat. sec. 160A-296 gives cities the authority to permanently close streets and alleys within their jurisdictions and N. C. Gen. Stat. sec. 160A-299 outlines the procedure to be followed. The University of North Carolina at Asheville has requested the City of Asheville to permanently close University Heights and a portion of Edgewood Road, both of which are contained within the university's property which is identified as parcel # 9649072895.

During a meeting on May 18, 2012, staff from the University of North Carolina - Asheville (UNC-Asheville) officially requested that these streets be transferred to them for ownership and maintenance activities. City staff's initial concern was the possibility of losing connectivity between W.T. Weaver Boulevard and Hyannis Street. The university responded via e-mail message dated July 14, 2012, that they had no current plans to either gate or close the streets. The University is pursuing the subject action for the following reasons:

- Enables the university to fully control and maintain the streets that are contained within their property.
- Enables the campus police to enforce parking and traffic control as dictated by N.C. Gen. Stat. sec. 116-44.4.
- Enables the use of State funding to improve and maintain the streets.

- Helps the university complete its master plan.

The City and UNC-Asheville staff has worked closely together during the past two years researching various ways to accomplish the subject task and we have concluded that the best way is through the closing procedures outlined in the statutes.

This item was reviewed by the Multimodal Transportation Commission on February 26, 2014, and they recommended approval.

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 property.
- Enables the university to fully control and maintain the streets that are contained within their property.
- Enables the campus police to enforce parking and traffic control as dictated by N.C. Gen. Stat. sec. 116-44.4.

Cons:

- The City cannot prohibit the possibility of gating the streets although the university has stated that it has no current plans to do so.
- Minor loss of revenues from Powell Bill Funds although the revenues typically do not provide the full street maintenance cost.

City staff recommends City Council adopt the resolution to permanently close University Heights and a portion of Edgewood Road. Staff additionally recommends the street closure fee be waived since the City and UNC-Asheville continue to maintain a close partnership relationship.

In response to Councilman Bothwell, Ms. Heather Parlier, General Counsel for UNC-Asheville, said that the Board of Trustees passed a resolution announcing the University's plans to not close or otherwise block the road unless there is an emergency situation or unless they have a prior written agreement with the City.

Mayor Manheimer opened the public hearing at 5:50 p.m.

Mr. Dave Perkins, resident in Jackson Park, spoke against the road closings. He said that a resolution by the Board of Trustees is non-binding and felt that because the road closings affected many more than abutting property owners and the entire area should have been notified. He felt this closure will put more traffic on Merrimon and on the southern part of Barnard. If this resolution is adopted, he asked that a provision be included in the resolution ensuring that the roads will remain open.

When Councilman Smith asked if there was some way to give the neighbors comfort that UNC-Asheville will keep the roads open, Interim City Attorney McGlohon said that City staff did discuss that; however, it would not be possible because that would defeat the whole purpose of the statutory closing process.

Mayor Manheimer closed the public hearing at 5:56 p.m.

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

Councilwoman Wisler moved for the adoption of Resolution No. 14-80, and that the street closure fee be waived. This motion was seconded by Councilman Davis and carried unanimously.

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B. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF ASHELAND AVENUE

RESOLUTION NO. 14-81 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF ASHELAND AVENUE

At the request of Councilman Pelly, Councilman Bothwell moved to recuse Councilman Pelly from participating in this matter due to a conflict of interest. This motion as seconded by Councilwoman Wisler and carried unanimously.

Interim Director of Public Works Ken Putnam said that this is the consideration of a resolution to permanently close a portion of Asheland Avenue. This public hearing was advertised on March 28, April 4, 11 and 18, 2014.

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

Pursuant to this statute, adjoining property owners, 86 Asheland, LLC have requested the City of Asheville to permanently close a portion of Asheland Avenue

The Multimodal Transportation Commission met on February 26, 2014, and voted unanimously to support the closure of a portion of Asheland Avenue.

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
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

City staff recommends City Council adopt the resolution to permanently close a portion of Asheland Avenue.

Mayor Manheimer opened the public hearing at 5:59 p.m., and when no one spoke, she closed the public hearing at 5:59 p.m.

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

Councilman Bothwell moved for the adoption of Resolution No. 14-81. This motion was seconded by Vice-Mayor Hunt and carried unanimously (with Councilman Pelly being recused from voting).

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C. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF SOUTH ANN STREET

At the request of City staff, Councilman Davis moved to continue this public hearing until May 27, 2014. This motion was seconded by Councilman Bothwell and carried unanimously.

D. PUBLIC HEARING TO CONSIDER ADOPTION OF THE CONSOLIDATED ACTION PLAN FOR FISCAL YEAR 2014 WHICH SETS OUT THE PROPOSED USE OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS

RESOLUTION NO. 14-82 - RESOLUTION ADOPTING THE CONSOLIDATED ACTION PLAN FOR FISCAL YEAR 2014 WHICH SETS OUT THE PROPOSED USE OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS

Community Development Director Jeff Staudinger said that this is a public hearing to receive comments regarding the proposed Consolidated Action Plan for Fiscal Year (FY) 2014-2015, which sets out the proposed use of federal Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds for the coming fiscal year; followed immediately by Council's consideration of a resolution authorizing submission of this Consolidated Action Plan to the US Department of Housing and Urban Development. This public hearing was advertised on April 11 and 18, 2014.

The City will have $1,174,689 in CDBG funds and $1,195,779 in HOME funds available for the fiscal year beginning July 1, 2014. The City's Housing and Community Development Committee has made recommendations for the use of CDBG funds, which must be used in housing or community development programs in Asheville, and the Asheville Regional Housing Consortium has recommended uses for the HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties). A total of 17 CDBG and 11 HOME programs are recommended for funding. Allocations are consistent with the proposed Strategic Housing & Community Plan for 2010-2015.

Although the CDBG funds available this year are $49,500 less than last year, there were fewer requests for funding, and applications were generally funded at or close to the requested amounts. The exception is in the Public Service category, which is capped at 15% of this year's allocation and next year's expected program income. Requests in that category were $110,000 greater than could be funded.

The total HOME funds available this year are $288,600 less than last year, even though the HUD allocation was greater than last year. Over $2.8 million in funding was requested this year as opposed to $2.4 million last year. The Consortium Board met twice to consider proposals and develop its recommendations.

Funding for City management and administration is about $4,000 less in the HOME program and $11,500 less in the CDBG program than last year. The Community Development Division will maintain its staffing this year, but cuts, combined with an environment of increased federal administrative requirements make program administration challenging.

If the proposed projects receive the funding from other sources necessary to make them possible, HOME funds and CDBG funds will assist in creating 254 new affordable units, improving 28 housing units and helping an additional 157 households afford housing Consortium-wide. CDBG funds will also benefit almost 2,500 low-income City residents through homeless services, financial counseling, small business assistance, and other needed services. Our CDBG

partner agencies leverage $4.82 of other funding for every $1.00 of CDBG funding. Our HOME partners will raise over $25.00 for every $1.00 of HOME funds invested in their projects.

A public hearing will be held at the Council meeting of April 22. Comments received at the meeting will be incorporated into the Plan, as will comments submitted in writing. The plan is due to be submitted to HUD by May 15.

Pros:

- Approval of the Action Plan paves the way for the receipts of over $2,370,000 of HUD funding to the City and region, which will be used to create affordable housing and create jobs.
- HUD funding will leverage $35,900,000 of additional funding for these projects.
- Reflects the carefully considered recommendations of the City's Housing & Community Development Committee and the Asheville Regional Housing Consortium.

Con:

- It is not possible to fund all the applications received, and most of those funded will receive less than the amount requested.

The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previous completed projects, and estimated program income. Staff costs to administer the program are also fully paid from federal sources. The funded programs will provide new construction and other economic activity in the City and region, creating and sustaining employment.

Staff recommends approval of the resolution authorizing submission of the City's Consolidated Annual Action Plan for 2014-15 to the U. S. Dept. of Housing and Urban Development.

Councilman Smith, Chair of the Housing & Community Development Committee, spoke in support of the resolution and expressed gratitude to the Committee and the members of the HOME Consortium for their patience. He also thanked the developers who will be receiving these funds for various housing projects.

Mayor Manheimer opened the public hearing at 6:04 p.m. and when no one spoke, she closed the public hearing at 6:04 p.m.

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

Councilman Smith moved for the adoption of Resolution No. 14-82. This motion was seconded by Councilman Pelly and carried unanimously.

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

ORDINANCE NO. 4304 - ORDINANCE GRANTING A SIGN PACKAGE FOR THE ASHEVILLE OUTLETS LOCATED AT 800 BREVARD ROAD

Urban Planner Julia Fields said that this is the consideration of an ordinance granting a sign package for the Asheville Outlets located at 800 Brevard Road. This public hearing was advertised on March 28 and April 4, 2014.

The proposed master signage plan is associated with a Level I renovation of an existing retail center at 800 Brevard Road. The subject property, comprised of approximately sixty (60) acres located on three (3) parcels, was originally developed in 1989 as an indoor regional mall, Biltmore Square Mall. The renovation and signage package are for a new rebranded development to be known as Asheville Outlets.

While the renovation includes little alteration of the square footage of the retail center it does involve removal of portions of the roof to create outdoor pedestrian-oriented corridors and the addition of amenities to the pedestrian corridors including benches, lighting, and landscaping. Also important to the rebranding of the property is a changed architectural appearance and signage. The development will have several public access points to the outlet buildings, over 2,700 parking spaces surrounding the development and approximately seventy-five (75) tenants. The project site is zoned Regional Business (RB) and is considered to be a multi-tenant development.

Anything not addressed in this sign package must meet City of Asheville standards.

Freestanding Development Identification Signage - The property on which the redevelopment is proposed is uniquely challenged. While it enjoys frontage on three (3) roadways – Interstate 26, Brevard Road, and Ridgefield Boulevard – its location some ten (10) to fifty (50) feet below these roadways severely limits visibility of the retail center. In recognition of the visibility/wayfinding issues of the property, when it was first developed, the Biltmore Square Mall developers erected a series of freestanding development identification signs located adjacent to Interstate 26, Brevard Road and Ridgefield Boulevard in addition to directional signs located within the parking fields on the property. The Asheville Outlets Signage Plan proposes to renovate or replace all the Biltmore Square Mall development identification signs currently located adjacent to Interstate 26, Brevard Road and Ridgefield Boulevard, and within the mall parking fields. In addition to the renovation/replacement of the existing development signage, the signage plan proposes an additional sign on Brevard Road to direct motorists from the north regarding access to the site. Under current City of Asheville signage regulations a multi-tenant development is allowed one development identification sign for each property boundary with street frontage with a maximum of two signs allowed. The proposed sign package requests five (5) such signs, all freestanding; all but one (1) of these signs will be a renovation/replacement. The proposed sizes, heights and setbacks for these signs are shown on the chart below. All signs in this category are proposed to be illuminated internally (faces or letters), have pin-mounted halo-lit letters, and/or utilize other compliant light sources.

Attached Identification Signage - In addition to updating the existing development identification signs, the submitted signage package proposes new attached signage for the development and tenants within the retail center (excluding the northern and southern commercial anchors – currently Belk and Dillard's). City of Asheville sign regulations allow each tenant in a multiple tenant development one (1) attached sign for each exterior public business entrance up to a maximum of two (2) signs. These signs must be located on the façade with the public entrance for that business. The total allowable sign area (per sign) is twenty-five (25) square feet of signage or one (1) square foot per one (1) linear foot of building frontage, whichever is greater, with a maximum size allowance of 200 square feet.

The submitted sign package proposes that the linear footage of the total exterior façade of the outlet center (minus screen walls and not including the northern and southern commercial anchor facades) be utilized in determining the amount of attached tenant signage that will be allowed for the development (not per tenant). This attached signage (including both tenant and development identification) would be located at the various public access points into the center, in any proportion, provided that the total area of the attached signs does not exceed the total permissible sign area. More specifically, this signage will be located on "towers" positioned at these access points or within 150 feet of the centerline of the public access points. Signage may be placed on all four sides of any individual tower but shall not be placed higher than twenty-one

(21) feet measured from the ground at the base of the tower. Should there be an individual tenant with a separate exterior entrance, attached signs for such tenant shall be permitted within fifty (50) feet of the entrance. This signage shall be included in the total signage allowed for the development. Attached signage may include wall, window, projecting, awning or canopy signs. In keeping with City regulations, signs located within internal pedestrian corridors or on facades facing internal pedestrian corridors are not regulated. Proposed projection and clearance standards are in line with City regulations (see table below). All signs in this category are proposed to be illuminated internally (faces or letters), have pin-mounted halo-lit letters, and/or utilize other compliant light sources. Window signs shall not be so illuminated.

Banners - The sign package proposes that banners be allowed both on building facades and on parking lot light poles within the development. The UDO allows similar banners for multi-tenant developments. The proposed banners for the outlet center meet the minimum and maximum sign area and minimum clearance regulations of the UDO (see table). The proposal requests that these signs be allowed to carry tenant and development identification or logos which are not permitted by City regulations. The proposal states that in most instances the banners will be of a graphic or seasonal nature as is permitted by the UDO. A maximum of twenty (20) banners on light poles and twenty (20) banners on building facades is requested. These signs would not be illuminated.

Vehicular Directional Signs - Four (4) existing vehicular directional signs eight (8) feet in height with twenty-seven (27) square feet of sign face (two faces) are located within the vehicular circulation areas of the existing development. These signs are being utilized by the current tenants. These signs do not conform in sign area or height to current City standards (four (4) signs allowed; four (4) square feet per face; three (3) feet in height) but are largely not visible from the public rights-of-way. The sign package proposes to redesign these signs to be six (6) feet in height with twenty-four (24) square feet of sign area per side. A maximum of six (6) such signs are proposed. All signs in this category are proposed to be illuminated internally (faces or letters), have pin-mounted halo-lit letters, and/or utilize other compliant light sources.

Parking Area Location Signs - The configuration of the proposed outlet center creates several different parking fields. As is typical with large commercial developments, parking area location signs are proposed to be located within the parking fields for the safety and convenience of customers. The signs are proposed to have four (4) sides with a maximum of six (6) square feet per side and be mounted on parking lot light poles. It is proposed that these signs will bear text to distinguish parking areas and may bear the name and/or logo of the development. The UDO is silent on such signage which means that they are not permitted. These signs shall not be illuminated.

Service Door Identity Signs - Exterior facing wall or door mounted signs on or near tenant rear service doors and on or near project ingress or egress corridor doors are requested as part of this sign package. One sign per service door is proposed with the letters on such signs to be no taller than four (4) inches. These signs may include tenant names, space numbers, addresses, phone numbers, hours, and similar information or any text required by governmental authorities. The UDO does not regulate such signage as they are not designed to be visible beyond the boundaries of the lot upon which they are located and/or from any public thoroughfare or right-of-way.

Sign Type	Proposed Quantity	Sign Details	UDO Regulations
Freestanding Development ID Pole Sign (Replace Existing)	1	Height –110 Feet (No Change) Sign Area –340 SF Per Face (No Change); 2 Faces Setback – 85 Feet (No Change)	This Sign is an Additional Sign to What is Permitted. UDO Allows Two Development or Joint ID Where

			There are Two Property Frontages It is an Existing Sign Change-Out – No Increase in Size/Ht/Setback
Freestanding Development ID Directional Ground Sign (New Sign)	1	Height –18 Feet Sign Area –200 SF Per Face; 2 Faces Setback – 15 Feet	Permissible Freestanding Development ID Sign Max. 25 Feet High Max. 200 SF Per Face; 2 Faces Setback – 15 feet
Freestanding Joint ID Ground Sign (Replace Existing)	1	Height –24 Feet (27 Feet Existing) Sign Area – 200 SF Per Face; 2 Faces Inclusive of Max. 40 Feet of Changeable Copy Per Face (207 Feet Existing) Setback – 30 Feet (No Change)	Permissible Freestanding Development ID Sign Max. 25 Feet High Max. 200 SF Per Face; 2 Faces Setback - 15 Feet
Freestanding Development ID Ground Signs (Replace Existing)	2	Height –10 Feet (11 Feet Existing) Sign Area – 86 SF Per Face (No Change); 2 Faces Setback – 21 Feet – Brevard Road (No Change) Setback – 17 Feet – Ridgefield Boulevard (No Change)	Additional Freestanding Development/Joint ID Sign to What is Permitted. [See Above]
Development and Tenant ID Attached Signage (Exterior Only – Internal Attached Signage is Not Regulated); May Be Wall, Projecting, Window, Awning, Canopy	TBD	Total Sign Area – 1 SF Per 1 LF of Outlet Building Façade ID for Development and Tenants All Signage to Be Located Within 150 Feet of the Centerline of Public Access Points and May Be Located on All Four Sides of Towers Located at Public Access Points (Not Higher than 21 Feet on Tower) Tenant ID Signs Shall be Permitted within 50 Feet of the Entrance of an Outlet Building With an Exterior Entrance. Max. Projection Wall Sign – 12 in. Max. Projection Projecting Sign - 4 ft. Max. Clearance Projecting	Total Sign Area for Tenant – 1 SF Per 1 LF of Business Façade (Max. of 200 SF); Up to 2 Signs if More than 1 Entrance Located on the Façade with Public Entrance for Tenant Max. Projection Wall Sign – 12 in. Max. Projection

		Sign – 8 ft.	Projecting Sign - 3 ft. Max. Clearance Projecting Sign – 8 ft.
Banners	Max. 20 on Building Façade Max. 20 on Light Poles	Max. 24 SF Per Sign; 2 Faces Min. Clearance – 9 Feet Design and Material May Vary – with Season/Tenant Banners Located on Building Facades May Bear the Name and/or Logo of Development or Individual Tenants or May be of a Graphic or Seasonal Nature Banners Located on Light Poles May Not Bear the Name of Tenants but May Bear the Name/Logo of the Development or be of a Graphic or Seasonal Nature	Max. 24 SF Per Sign; 2 Faces Min Clearance 9 Feet All Consistent in Design and Material May Not Contain Commercial Advertising Message, Name or Logo
Vehicular Direction	Maximum - 6 Signs (4 Existing)	Height – Max. 6 Feet (Existing 8 Feet) Sign Area - Max. 24 SF Per Sign Face (27 Existing) ; 2 Faces	Height – Max. 3 Feet Sign Area – Max. 4 SF Per Sign Face; 2 Faces 4 Signs Permitted
Parking Area Location Signs	TBD	Height – Min. 10 Foot Clearance Sign Area – Max 6 SF Per Sign Face Faces – 4	Not Addressed in Code
Service Door Identity Signs	1 Sign Per Service Door	Maximum Letter Height – 4 Inches May Include Tenant Name, Space Numbers, Address, Phone Numbers and Similar Information	Not Regulated

Staff Findings: The stated purpose in the City's Unified Development Ordinance of allowing the consideration of a separate signage plan is as follows:

The purpose of allowing the consideration of a separate signage plan is to permit creativity in sign placement to address issues and constraints associated with topography, pedestrian-orientation, way-finding, and other conditions unique to the subject development.

In reviewing the proposed signage plan, the city council, per the ordinance, shall take the following matters into consideration:

- The extent to which the proposed signage plan deviates from the sign allowances otherwise applicable in this article.

- The rationale provided by the applicant for the deviations.
- The extent to which the signage plan promotes city goals for way-finding, pedestrian-orientation, and business identification.
- The degree to which the signage plan creatively and effectively addresses the issues and constraints unique to the site and with regard to signage.

While staff does find that there is fairly significant deviation from the ordinance found in this signage plan, the proposed Asheville Outlets center presents an especially unique situation that leads us to recommend approval. In terms of freestanding development signage, all but one of the signs proposed are existing signs that will be renovated/improved. Therefore, the impact of additional freestanding development identification signage will be minimal. Much of the other signage (attached, banners, service door identification) will not be visible from adjacent public rights-of-way or properties. Additionally, because of the site size and number of tenants that will be part of the proposed center, staff finds that easily identifiable wayfinding signage is critical to pedestrian and vehicular safety in such a development. The largest area of concern is that the attached signage on the exterior of the building is not necessarily located on the portion of the building that the tenant occupies (although it would be within 150 feet of a public access point). This may contribute to some confusion on the part of the visitor wishing to park in the vicinity of a particular tenant.

Pros:

- Provides clear and recognizable signage for a major regional shopping center.
- Utilizes many existing development identification signs.
- Addresses visibility challenges of development site and addresses way-finding and pedestrian orientation issues.
- Promotes a coordinated unifying theme for the development.

Cons:

- Exceeds existing standards found in the UDO.
- Establishes a possible precedent for larger developments for greater sign allowances.
- Attached signage may confuse visitors by not being located on the portion of the building that the tenant occupies.

City staff recommends City Council adopt the ordinance approving the sign package for 800 Brevard Road (Asheville Outlets) as submitted subject to the condition that any signage not addressed in the package would have to comply with the City's sign regulations or an amendment to this sign package would have to be approved.

Councilman Bothwell understood the need for the signage in the site; however, he could not support another large sign on the highway.

Councilman Pelly felt the variations are justified.

Mayor Manheimer opened the public hearing at 6:18 p.m., and when no one spoke, she closed the public hearing at 6:18 p.m.

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

Councilman Davis 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. 4304. This motion was seconded by Vice-Mayor Hunt and carried on a 6-1 vote, with Councilman Bothwell voting "no."

ORDINANCE BOOK NO. 29 – PAGE 42

F. PUBLIC HEARING TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES TO REMOVE UNNECESSARILY RESTRICTIVE AND POTENTIALLY EXPENSIVE REGULATORY REQUIREMENTS IN THE COMMERCIAL INDUSTRIAL DISTRICT AND INDUSTRIAL DISTRICT BY ELIMINATING LANDSCAPING REQUIREMENTS WHERE SMALL ADDITIONS TO EXISTING FACILITIES ARE PLANNED

ORDINANCE NO. 4305 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO REMOVE UNNECESSARILY RESTRICTIVE AND POTENTIALLY EXPENSIVE REGULATORY REQUIREMENTS IN THE COMMERCIAL INDUSTRIAL DISTRICT AND INDUSTRIAL DISTRICT BY ELIMINATING LANDSCAPING REQUIREMENTS WHERE SMALL ADDITIONS TO EXISTING FACILITIES ARE PLANNED

Urban Planner Julia Fields said that this is the consideration of an ordinance to amend Chapter 7 of the Code of Ordinances to remove unnecessarily restrictive and potentially expensive regulatory requirements in the Commercial Industrial District and Industrial District by eliminating landscape requirements where small additions to existing facilities are planned. This public hearing was advertised on April 11 and 18, 2014.

Section 7-11-3(b) establishes the instances in which landscape standards are applied when development is proposed in the City of Asheville. The section outlines which developments require full compliance with landscaping regulations and addresses those developments that are subject to lesser levels of compliance. Specifically, Section 7-11-3(b)(1.1)b. provides that:

> *Building expansions or additions that are less than 50 percent of the pre-expansion floor area must meet the landscaping requirements only in the area around the addition which is parallel to any edge of the expansion area and extending to the property line or street pavement edge.*

This latter provision has worked well in most applications both in gaining some landscape compliance as additions are proposed but also in terms of finding an equitable and economically viable way of applying landscape standards to smaller additions.

There have been some situations, however, with properties zoned Commercial Industrial (CI) and Industrial (I) where this provision has resulted in substantial landscaping being required, with substantial expenditure, resulting from a very small planned expansion. As an example in one recent instance an approximately 3% expansion to a very large industrial operation would require that the entire parking field for the operation be redesigned to meet the parking lot landscape standards.

In order to avoid extensive landscape requirements being applied to small additions on industrially zoned properties, staff is proposing that the following language be added as a new subsection 7-11-3(b)(1.1)c. of the Unified Development Ordinance:

> *Building expansions or additions occurring on properties zoned Commercial Industrial or Industrial that result in an expansion of less than 5 percent of the pre-expansion floor area or 3,000 square feet in size whichever is less, are not required to meet additional landscape standards. Cumulative expansions occurring over a three year period that exceed this threshold shall have to meet all applicable landscape standards.*

While this proposal addresses industrial properties only, staff will continue to research the regulations as they affect development in other zoning districts and may determine that additional modifications should be considered.

The Asheville Planning and Zoning Commission reviewed and recommended approval (unanimously) of this wording amendment. No one from the public spoke on the issue and staff has received no comments/concerns as of the completion of the staff report.

This proposal does not directly relate to the goals outlined in the Strategic Operating Plan but is most closely aligned with the goal for "economic growth and financial sustainability" in promoting an environment conducive to the expansion of existing businesses.

Pros:

- Eliminates excessive landscape requirements/expenditure for small industrial expansions.
- Is in keeping with other recent amendments concerning the applicability of standards to industrially zoned properties.

Con:

- Some may feel this application unfairly addresses only industrially zoned properties.

City staff recommends approval of this wording amendment. The Asheville Planning and Zoning Commission reviewed and recommended unanimous approval at their meeting on April 2, 2014.

Mayor Manheimer opened the public hearing at 6:22 p.m., and when no one spoke, she closed the public hearing at 6:22 p.m.

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. 4305. This motion was seconded by Councilman Smith and carried unanimously.

ORDINANCE BOOK NO. 29 – PAGE 57

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 4306 - ORDINANCE AMENDING CHAPTER 10 (NUISANCES) OF THE CODE OF ORDINANCES BY ADDING ARTICLE VI (REGULATION OF GRAFFITI)

Assistant City Manager Cathy Ball said that staff recommends adoption of an ordinance to allow significant civil penalties to perpetrators and encourage property owners to quickly remove graffiti from their property. Staff also recommends that Council approve moving forward with a 90 day graffiti initiative program to significantly reduce graffiti vandalism in the City.

The City of Asheville recognizes that graffiti vandalism has sufficient negative impact on the economic vitality and quality of life of our community. Since 2007 the City has made efforts to remove graffiti from public property. The City spends approximately $90,000 per year to remove graffiti from public property. The City utilizes nuisance court resources to assist in the removal. Some of which have been charges with graffiti vandalism. During this period of time, we have removed over 10,000 tags.

The City has also attacked this problem with higher level of police enforcement. Under the current state law, the City has processed graffiti vandals to the maximum of their ability.

The difference between beautiful mural wall art and graffiti vandalism may be difficult for some to define. Quite simply, graffiti vandalism is illegal and unwanted damage to private property. Murals are commissioned and add value to our economic vitality. National data supports the fact the graffiti vandalism has several negative impacts on communities. Some of which are listed below.

- Property owners incur tremendous expense in removing graffiti.
- Vandalism left unaddressed breeds more vandalism. (Broken Windows theory)
- The negative image that graffiti generates results in a loss of customers to business owners.
- Property and business owners may incur devalued property.
- Taxpayers' dollars are spent removing graffiti from public buildings, monuments and park structures.
- The overall image of a community is affected.

We know from research that there are three essential elements to reducing graffiti vandalism in our community. These are education, enforcement and rapid removal.

1. ***Education***: Education efforts related to graffiti can be viewed in two general categories: General and Public Engagement. Essential to both educational components is Community ownership of the problem. There continues to be coordination of efforts between City staff and community stakeholders to increase education while at the same time minimizing publicity.

2. ***Enforcement:*** The Asheville Police Department (APD) has developed a comprehensive strategy to improve reporting, provide a consistent investigative response and use predictive analytics in an effort to focus enforcement resources.

3. ***Rapid Removal:*** The N.C. Communities benchmarked require property owners to clean the graffiti off their buildings in a specified amount of time to avoid civil penalties. While many N.C. cities have found this to be the most effective way to reduce or eliminate graffiti, *Asheville will not assess a civil penalty against the property owner*. Instead, through outreach and education, Asheville is hopeful that most property owners will partner with the City and/or remove graffiti; if that does not happen the City may consider asking for equitable relief from the courts.

The City's "Graffiti Removal Initiative" consists of three steps. The **first** step is to immediately impose significant escalating civil penalties on the perpetrator. The scale is detailed as follows: First offense $200; Second offense: $250; (ii) Third offense $500; (iii) Fourth offense $750; and (iv) Fifth and any subsequent violations $1,000. The adoption of this ordinance does not preclude the criminal enforcement allowed by state law. This will begin April 23, 2013.

The **second** step is a 90 day concentrated initiative to aggressively remove graffiti from public property. A 90 day graffiti removal initiative to allow the property owners to get significant assistance from the City is proposed from July 1, 2014 to September 30, 2014. During this time, the property owner can request assistance from the City. The property owner would be required to sign a waiver and agree to pay 10% of the cost of removal. The City would pay up to $500 per building per incident. The City would consider budgeting $300,000 toward this 90 day graffiti removal initiative.

Ms. Ball then walked Council through the process: (1) property owner contacts City to request removal of graffiti; (2) City staff visit the site and estimates the cost of the removal; (3)

Property owner signs a waiver and agrees to pay 10% of the cost (City contribution is maximum amount of $500 per incident); (4) City contracts to have contractor remove graffiti within 48 hours; (5) Contractor removes graffiti; (6) City pays the contractor; (7) City bills property owner; (8) property owner pays City 10%. She noted that Asheville Greenworks has notified that they have an anonymous donor who has offered to pay the 10% ($30,000). Mayor Manheimer asked that Asheville Greenworks thank the donor for his generous offer.

In summary regarding the second step, prior to July 1, 2014, (1) the City would establish an hourly rate to pay contractors for graffiti removal; (2) City pre-qualifies several contractors to perform work on a rotational basis; (3) City establishes a 1-800 graffiti removal hotline; (4) partners with community to assist with an intense communication plan; and (5) City establishes a budget of $300,000 for the 90-day initiative.

The **third** step in the graffiti removal initiative is to require property owners to remove graffiti on their property with a reduced level of assistance from the City. This step would begin on October 1, 2014, when the ordinance if fully in effect, the City would still provide assistance to the property owners in the graffiti removal process but the owner will be responsible to reimburse 100% of the cost of removal. This ordinance does not fine the property owner for failure to remove graffiti.

The long-term strategy is to encourage property owner to remove graffiti immediately: (1) City notifies property owner of graffiti; (2) property owner has 7 days to remove graffiti; (3) property owner may request assistance from the City to remove graffiti. Property owner should contact the City preferably within the 7 days; (4) City's assistance is coordinating clean up with pre-qualified contractors, provided the property owner signs waiver and agrees to pay 100% of the cost of the removal; (5) City contacts to have graffiti removed in 48 hours; (6) City pays contractor; and (7) City bills property owner 100% of the removal cost.

If the property owner does not comply, the City may choose to take legal action against the property owner. Even though there are no fines in the ordinance for property owners, if the property owner continues to refuse to remove the graffiti, the City has options available as we do with any other nuisances.

Regarding how the contractor will remove the graffiti, the contractor will utilize standard means and methods to remove graffiti, including pressure washing, applying a tag removing chemical, or painting over the graffiti.

The City will not remove graffiti from historic properties, but our historic resources staff will work with the property owner to provide technical assistance.

Regarding if the contractor will match the building paint color when the contractor paints over the graffiti, the contractor will be required to stock a standard gray paint. If the property owner wants the same color, they can provide it to the contractor.

We recognize we are a city full of art, but when it's tagged, that does not represent our community well.

The City’s new Graffiti Ordinance encourages property owners to immediately remove graffiti. The ordinance will not become effective as to the property owner until October 1, 2014, while the City implements a graffiti removal assistance program, to partner with and assist private property owners in removing graffiti from their properties. Upon a property owner’s failure to remove graffiti and/or partner with the City to remove the graffiti, the City will, upon compliance with process, remove the graffiti and assess a lien against the property. Additionally, the perpetrators will continue to be subjected to criminal prosecution, while the new ordinance will also require the assessment of a civil penalty against the perpetrator, based upon an escalating formula.

Pros:

- Encourages graffiti to be removed quickly.
- Provides for stricter monetary penalties to perpetrators.
- Establishes an assistance program for property owners.
- Property owners will not be fined for failure to remove graffiti from their property.
- Small business owners will have an opportunity to earn money removing graffiti from properties.

Cons:

- The fiscal impact is substantial but important to attach the graffiti vandalism issue.

The City would include $300,000 in the FY 2015 Manager's Recommended Budget for the first 90 days of the graffiti removal initiative. Administrative cost will also be included in the FY 2015 Manager's Recommended Budget for the program. The money for this initiative would come from the City's fund balance.

Staff recommends adoption of an ordinance to allow significant civil penalties to perpetrators and encourage property owners to quickly remove graffiti from their property. Staff also recommends that Council approve moving forward with a 90 day graffiti initiative program to significantly reduce graffiti vandalism in the City.

Councilman Bothwell thanked City staff for their work on this and was entirely sympathetic to the property owners whose property is tagged; however, he voiced the following concerns to the ordinance: (1) he was opposed to using taxpayer dollars to clean up private property; (2) catching perpetrators is the biggest single deterrent and increasing fines for the perpetrators don't have much effect; and (3) research shows that fining property owners has had a positive effect in getting property owners to comply. Responsible property owners will take care of their property and the fines will be placed on irresponsible property owners. He could not support this ordinance as proposed.

Councilman Bothwell suggested (1) adding a cap on the number of instances per property owner; (2) make it a rule that graffiti must be removed within 48 hours and then start fining $5 per day; and (3) in the long-term, just have property owners find their own contractor to remove the graffiti and not have the City pay the contractor and then get reimbursed by the property owner.

Councilman Davis agreed with several comments by Councilman Bothwell; however, he felt this is the best way to get started.

Mayor Manheimer provided Interim City Attorney McGlohon with some amendments to the ordinance, noting mostly grammatical changes; notice requirements being in sync with other notice requirements; and removal of the civil penalty increasing incrementally.

Councilman Davis moved to adopt Ordinance No. 4306, as amended. This motion was seconded by Councilman Pelly.

In response to Councilman Bothwell, Interim City Attorney McGlohon said that since our ordinance specifically authorizes civil penalty assessment, those penalties, according to case law would not have to go to the School system.

Councilman Smith was not happy about using public resources on private property; however, we have the responsibility to recognize there is a real public good and we will be partnering with our business community. We need to recognize that it will take this whole community coming together. He looked forward in exploring some other options.

Councilman Pelly recognized that this is a work in progress and after a period of time, the ordinance will be reviewed for possible amendments.

City Manager Jackson said that capping the number of properties is an excellent suggestion and they will build that into the administration of the clean-up program. He did note that they are not taking on the responsibility of cleaning up public utilities. That will also be outlined in the administration of the clean-up program.

Councilman Smith confirmed that property owners have the option of calling the City for a contractor or they can call the contractors directly.

Mayor Manheimer said that the proposed ordinance does not include a fine for property owners who fail to remove graffiti from their property. She emphasized that the City will review the ordinance in 6-12 months. She did note, though, that almost every community they researched included a fine for property owners who failed to clean up their property. This ordinance is tailored for our community. The bottom line is we are all trying to get to the same place - get rid of graffiti.

The following individuals spoke regarding the graffiti ordinance:

Mr. Bruce Kennedy - develop a listening program and find ways to encourage creativity
Mr. Chris Peterson, representing the Downtown Business Group - support ordinance
Ms. Susan Roderick - support ordinance
A Gentleman - suggest a hot line, reward fund, cameras, and steeper fines
Mr. Robert Roepnack, representing Asheville Greenworks - support ordinance
Rev. Christopher Chiaronmonte - suggest a wall for graffiti artists; incorporate an incentive for jail inmates to clean up graffiti
Rev. Lisa Landis - suggest education in school system to explain harm of graffiti
A Gentleman - support future public artwork opportunities and ultimately property owners are fined if they don't clean up their property
Ms. Kitty Love, Executive Director of the Asheville Area Arts Council - support ordinance and suggestion to work with graffiti artists on mural projects
Mr. Donald Danes - suggestion for public funds to cover insurance deductibles
Mr. Byron Greiner, representing the Asheville Downtown Association and member on the Downtown Commission - support ordinance
A Gentleman - support ordinance and offer services on graffiti abatement
Mr. John Kloeckner - suggestion for wall for graffiti artists
Mr. Timothy Sadler - suggestion for wall for graffiti artists
Ms. Pattiy Torno - related experience of legal graffiti wall in River Arts District which resulted in a blossom of graffiti everywhere in the River Arts District

Mayor Manheimer said that we are in a climate to where it is prudent to take proposed new ordinances and run them by our new legislators because we do not want to run the risk of repeal by the state when we are trying to make our best effort on a local level. We have met with our legislators on this ordinance.

Councilwoman Wisler felt this is a good first step. She felt it is difficult to set up a listening program when many perpetrators are from out of Asheville.

Councilman Pelly noted that in a report that Mayor Manheimer circulated, one of the recommendations was to find ways to channel behavior into more acceptable activities, such as venues for mural artists or sanctioned graffiti walls. He asked that Council allow the Public Safety Committee to explore this issue more and talk with some of the stakeholders in the community to see if there is a solution that is right for Asheville.

Councilman Bothwell felt that the $300,000 might be better spent on more enforcement or addressing those group causes in the community. He felt we are doing something, but not doing anything useful.

Councilman Smith said that as we work with our legislators on penalties at the state level, he wanted to ensure that this remains a misdemeanor and not a felony.

It was the consensus of Council to ask the Public Safety Committee to explore this issue more and talk with some of the stakeholders in the community to see if there is a solution that is right for Asheville.

The motion made by Councilman Davis and seconded by Councilman Pelly carried on a 6-1 vote, with Councilman Bothwell voting "no."

ORDINANCE BOOK NO. 29 – PAGE 59

At 7:35 p.m., Mayor Manheimer announced a short recess.

B. RESOLUTION NO. 14-83 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY OF HENDERSON REGARDING REAL PROPERTY LOCATED ON FERRY ROAD, IN THE COUNTY OF BUNCOMBE, STATE OF NORTH CAROLINA

Mayor Manheimer said that Asheville and Henderson County (Henderson) are parties to several agreements regarding regional water issues, including the “First Amended and Restated Water Supply and Water Service Agreement, (“1995 Agreement”);” and among the terms of the 1995 Agreement are provisions regarding approximately 137.21 acres of real property located on Ferry Road (Bent Creek area), in the County of Buncombe, and more particularly described in Deed Book 2152, Page 4, and in Plat Book 50 Page 107 of the Buncombe County Register of Deeds, (Real Property). Asheville and Henderson claim an interest in the Real Property. Pursuant to a Consent Judgment entered in Buncombe County Superior Court in 2002 (file number 01 CVS 344), the Real Property was conveyed by Asheville to Henderson County by deed recorded July 15, 2002, in Book 2852, Page 775, Buncombe County Registry; and Asheville and Henderson desire to enter into this Interlocal Agreement to address the real property.

Mayor Manheimer said that this interlocal agreement was adopted by Henderson County on April 16, 2014, by Henderson County Commissioners. She explained that, in general, it provides that the 137.21 acres in the Bent Creek area that is owned by Henderson County, but subject to a deed that provides for the property's reversion in the near future if certain conditions are not met, be sold and the proceeds be split between Henderson County and Asheville. Asheville's proceeds will go to Buncombe County for use for a public safety purpose, such as a training center, and Henderson County's proceeds will be used for the same. It does not require that the proceeds be used for the same facility, but there is an ongoing dialogue with Buncombe County to try to work together to share in a joint facility. Buncombe County is working hard to find an appropriate site and funding for such a facility and City Manager Jackson has been in contact with County Manager Green and the County would like our participation in such an endeavor. This also brings resolution to a long-standing unresolved issue with Henderson County over what to do with the disposal of the Bent Creek property. She felt this is a great opportunity to do that and hoped Council would support the resolution authorizing her to sign the interlocal agreement.

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

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

Councilwoman Wisler moved for the adoption of Resolution No. 14-83. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 161

C. RESOLUTION NO. 14-84 - RESOLUTION ADOPTING THE 2014-15 LEGISLATIVE AGENDA

Mayor Manheimer said that this is the consideration of a resolution adopting the City Council Legislative Agenda for the 2014 Session of the North Carolina General Assembly.

The session of the North Carolina General Assembly that begins on May 14, 2014, is a "short" session.

As set forth in the Adjournment Resolution, only certain categories of bills will be eligible for consideration; such bills include: (1) Bills that passed out of the chamber in which they were introduced, and that were received in the other chamber ("crossover bills"); (2) Bills implementing the recommendations of study commissions ("study bills"); and (3) Local bills that meet certain requirements (non-controversial, unanimous support among local delegation, etc. "local bills"). The City of Asheville is interested in some bills that fall into each of these categories.

The following is the 2014-15 Legislative Agenda, which has been reviewed with our legislators:

"Environmental Issues

- Support changes to HB 74, Regulatory Reform Act, to restore local control regarding environmental protection.
- Seek legislation requiring the appropriate clean up and disposal of coal ash in coal ash ponds.

"Revenue

- Support reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers.
- Seek changes to Session Law 2013-414 to exempt farmers markets and farmers market managers from N.C.G.S. 66-255, allowing farmers markets and farmers market. managers to operate without the requirements of registration lists and vendor certificates.
- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication. In FY 2012-2013 the City of Asheville spent $85,000 on notification advertisements and publications.

"Transportation Infrastructure

- Seek funding of the I-26 Connector Project as recommended by joint resolution of the Board of Commissioners for the County of Buncombe and the Asheville City Council.

"Graffiti

- Seek to strengthen and/or clarify current state law to more effectively deter and punish perpetrators who damage property, such as by committing vandalism with graffiti."

Pro:

- Opportunity for City Council of the City of Asheville to identify matters of local and State-wide interest where legislative action is needed or desired.

Con:

- None

City staff recommends the adoption of the City Council Legislative Agenda for the 2014 Session of the North Carolina General Assembly.

When Councilman Davis asked if there was any discussion from the Governance Committee about the topless issue, Mayor Manheimer replied that there was discussion.

Councilman Bothwell remains opposed to the I-26 connector, but will support the Legislative Agenda.

Councilwoman Wisler wondered if next year it might be better to have the legislative agenda be adopted formally by the entire City Council prior to discussing it with our legislators. Mayor Manheimer noted the valid process question and explained that we wanted to work with our legislators to get a general feel from them about what might or might not be pending or what might or might not be reasonable. The idea was to have dialogue with our legislators before we rolled it old cold to them. She noted that some cities work with their legislators to develop a legislative agenda. This is a beginning of a new way and we are feeling our way out in terms of process. This time we managed it in the Governance Committee, met with our legislators one on one, and then brought it forward to the full Council.

Vice-Mayor Hunt noted that this is for the Short Session and there is a relatively small list. For the Long Session there will be a lot of new initiatives coming up and he felt our challenge is to develop an on-going dialogue with our legislators so by the time one year from now we would be looking at a similar process for the Long Session, but there will have been multiple interactions building up.

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

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

Councilman Bothwell moved for the adoption of Resolution No. 14-84. This motion was seconded by Vice-Mayor Hunt and carried unanimously.

RESOLUTION BOOK NO. 36 – PAGE 162

D. RESOLUTION ADOPTING THE CITY COUNCIL 2014-15 STRATEGIC OPERATING PLAN

This item was removed from consideration to be considered at the May 13, 2014, meeting.

E. RESOLUTION NO. 14-85 – RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

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

Ms. Marcie Walker resigned as a member from the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November, 1, 2014.

The following individuals have applied for the vacancy: Sabrah n'haRaven, Matthew Shepley, Allison Bond, Heather Smith, Carrie Pettler and Kristi Case.

The Homeless Initiative Advisory Committee recommended appointing Sabrah n'haRaven. On April 8, 2014, it was the consensus of Council to interview Sabrah n'haRaven and Heather Smith. Ms. Smith has moved out of state.

Councilman Smith moved to appoint Sabrah n'haRaven as a member on the Homeless Initiative Advisory Committee to serve the unexpired term of Ms. Walker, term to expire November 1, 2014, or until her successor has been appointed. This motion was seconded by Councilwoman Wisler and carried unanimously.

RESOLUTION BOOK NO. 36– PAGE 164

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Councilman Wisler, liaison to the Asheville City Board of Education, welcomed Dr. Pamela Baldwin as the new Superintendent of Asheville City Schools (effective July 5, 2014), and thanked Dr. Bobbie Short for her dedication as Interim Superintendent.

Mayor Manheimer reminded the community about Moogfest beginning April 23, 2014.

Councilman Smith stated that Asheville resident Caleb Johnson is one of the top finalists for American Idol and hoped that if he wins Asheville will hold some kind of public celebration.

Rev. Christopher Chiaronmonte spoke about the rights of unborn children.

Rev. Lisa Landis spoke about the leadership shown by some Council members.

Mr. Timothy Sadler suggested the City prepare a document to give to new development showing the impact they are bringing to the City and suggest they have a plan to offset that impact.

In response to Mr. John Kloeckner about who to contact about a suggestion for Asheville's next signature event, City Manager Jackson said that he would have Mr. Jon Fillman in Economic Development contact Mr. Kloeckner on his proposal.

Mr. Steve Agan suggested City Council make a part of their legislative agenda for the Long Session support of proposed legislation of the local government tort claims act.

In response to Mr. Jerry Rice's suggestion of improving City Council's image, Mayor Manheimer said that we are in the process of making improvements in the Council Chamber.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:41 p.m.

_____ _____

CITY CLERK MAYOR