THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: December 12, 2023

Subject: Housing Authority of the City of Asheville Parking Administration

Staff Resource(s): Ken Putnam, PE, Transportation Department Director

Action Requested: Adoption of an ordinance to enable the City of Asheville to, at its discretion, regulate and administer parking at properties owned by the Housing Authority of the City of Asheville (HACA).

Background:

- HACA has identified parking issues at its properties that negatively impact a safe and healthy environment.
- Double and triple parking is a major concern because that activity impedes and/or blocks efficient traffic flow including emergency response.
- HACA has requested in writing that the City of Asheville regulate and administer parking at properties it owns within the City's jurisdiction.
- Many interior streets in Asheville Housing Authority developments are privately-owned.
- N.C. Gen. Stat. § 160A-301(d) gives the City the authority to regulate and administer parking on privately-owned public vehicular areas.
- The City of Asheville has the capacity to perform this function to some extent on HACA property (see below).
- Asheville Housing Authority staff would primarily take care of resident outreach before enforcement begins.
- Asheville City staff would help with resident outreach as needed.
- The goal would be to have voluntary compliance with formal enforcement only used after extensive outreach and resident engagement has occurred.
- Pending Council approval of this ordinance and confirmation from HACA leadership that necessary community engagement has occurred, the Parking Services Division will be available to perform parking enforcement in the Hillcrest Community Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. beginning on January 1, 2024.
- The role of the Parking Services Division would be to provide the primary parking enforcement activities regarding the parking regulations that are listed in the Code of Ordinances.
- The Asheville Police Department would supplement parking enforcement if and when resources are available.0
- While enforcement assistance would be limited to certain days and times in the Hillcrest apartment complex, staff may expand the parking enforcement partnership with HACA in the future to other properties.
- The recommended ordinance would give staff the authority to perform parking enforcement on privately-owned public vehicular areas at any HACA property.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- Environment and Safety Committee - November 28, 2023 - Approved a motion unanimously recommending that City Council adopt an ordinance to enable the City of Asheville to regulate and administer parking at properties owned by the Housing Authority of the City of Asheville.

Pro(s):

- Enables the City to provide a service to another entity.
- Provides a good partnership opportunity.

Con(s):

- None

Fiscal Impact:

- The cost of regulating and administering parking is included in the current operating budget using existing resources.

Suggested Motion:

- Motion to approve an ordinance to enable the City of Asheville to regulate and administer parking at properties owned by the Housing Authority of the City of Asheville.

Attachment(s)

- Ordinance
- Letter from Housing Authority
- Resolution from Housing Authority

ORDINANCE NO. _____

AN ORDINANCE GRANTING DISCRETION TO ENFORCE THE PARKING REGULATIONS OF CHAPTER 19, ARTICLE V, DIVISION 1 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES IN THE PUBLIC VEHICULAR AREAS ON LAND OWNED BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

WHEREAS the City of Asheville has the authority under N.C. Gen. Stat. § 160A-301(d) to regulate and administer parking on privately-owned public vehicular areas when the owner of such areas requests in writing that the City regulate parking on its land; and

WHEREAS the Housing Authority of the City of Asheville ("HACA") has requested in writing that the City of Asheville regulate and administer parking on certain HACA properties; and

WHEREAS HACA and the City are both are agreeable to having the City be allowed to perform certain parking regulation in public vehicular areas in the HACA-owned apartment complex in the Hillcrest community; and

WHEREAS HACA and the City agree that this action will create a good partnership opportunity; and

WHEREAS HACA and the City have interest in potentially expanding this partnership to include certain parking enforcement in public vehicular areas of other HACA-owned properties in Asheville in the future; and

WHEREAS the City is interested in passing an ordinance that would allow the City to perform certain parking regulation in public vehicular areas in the HACA-owned apartment complex in the Hillcrest community and to potentially expand this parking enforcement, including to public vehicular areas of other HACA-owned properties in Asheville in the future;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City adopt the following ordinance as Chapter 19, Article V, Division 1, Section 19-150 of the Code of Ordinances entitled "Parking Enforcement for the Housing Authority of the City of Asheville":

(a) The City of Asheville shall have discretion, but not an obligation, to enforce the provisions of Chapter 19, Article V, Division 1 of the City of Asheville Code of Ordinances in all of the public vehicular areas located on land owned by the Housing Authority of the City of Asheville.

(b) Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the Code of Ordinances, City of Asheville, North Carolina.

(c) This Ordinance shall be in full force and effect upon adoption by the City of Asheville.

Read, approved and adopted this 12th day of December, 2023.

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City Clerk Mayor

Approved as to form:

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CITY ATTORNEY