

Tuesday - April 21, 1998 - 3:00 p.m.

Worksession

Present: Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Summer Food Services Grant Application

Summary: The consideration of the City applying for funding to provide food service as a part of the Summer Day Camp Program.

Funds are available through the North Carolina Department of Environment, Health and Natural Resources, Division of Maternal and Child Health, Child and Adult Care Food Program to provide breakfast, lunch, and snacks. The City of Asheville wishes to apply for funding to provide food service in the Summer Day Camp Program.

The Summer Day Camp Program will provide supervised licensed child care, recreation, enrichment activities, and food service for children in kindergarten through 5th grade, June 4 through August 7, 1998, Monday through Friday, 7:30 am to 6 p.m. at a cost of \$72 per week for city residents, \$82 per week for non-city residents. Sites will be located at Claxton, Hall Fletcher, Jones, Dickson, and Vance Elementary Schools; and Reid Community Center. Breakfast, lunch and snacks will be provided daily at no extra cost. The number of meals and amount of reimbursement will vary based on the total meals actually served each month.

The Parks and Recreation Department recommends the City of Asheville apply for the Summer Food Service Program for Children through the North Carolina Department of Environment, Health and Natural Resources.

Budget Amendment to Appropriate Section 108 Loan Guarantee Funds

Summary: The consideration of a budget amendment to appropriate \$1,500,000 from the U.S. Dept. of Housing and Urban Development ("HUD") in Section 108 Loan Guarantee Funds for rehabilitation of substandard affordable rental properties.

City Council approved submittal of the Section 108 Loan application on November 11, 1997. The City submitted an application to HUD on December 16, 1997, for \$1,500,000 in Section 108 Loan Guarantee funds. Approval of the loan application by HUD was received by the City on March 31, 1998. This action will appropriate the funds into the General Ledger. These funds will be loaned to investor-owners of substandard affordable rental properties. The investor-owners must agree to rehabilitate the structure with loan proceeds and rent the units at affordable rents, to low and moderate income persons. The goal is to rehabilitate 100 - 150 rental units over the next three years.

Community Development staff recommends adoption of the budget amendment.

Renaming Ballfield to Honor Charlie Bullman

Summary: The Parks and Recreation Advisory Board recommends erecting a sign at the ballfields to rename this athletic facility in honor of Charlie Bullman.

In 1994, the Parks and Recreation Advisory Board unanimously approved renaming the ballfields in the Haw Creek community in honor of Charlie Bullman. Charlie Bullman has dedicated over 40 years of his life to the youth of Asheville. He has been very instrumental in developing the program for the East Asheville Youth Activities Association and has served as President for the league for all but three of the past 40 years. He has not only served as the President but as a role model for many children who have grown up learning the value of wholesome recreation. Charlie has proven himself as an invaluable asset to the community and the recognition of naming the ballfields in honor of Charlie is only fitting. A ceremony will be held on April 27 prior to the opening game of the season where a sign will be erected officially renaming the park the Charlie Bullman Park.

The Parks and Recreation Advisory Board recommends that City Council approve erecting a sign renaming this athletic facility in honor of Charlie Bullman.

Milling Contract for Hilliard Avenue

Summary: The consideration of a resolution authorizing the City to enter into a milling contract with APAC-Carolina, Inc.

The City plans to repave a portion of Hilliard Avenue beginning in June. In connection with that repaving, the existing street surface needs to be "milled" in order to lower the paving surface, and to provide a good adhesion base for the new surface.

The City cannot perform this milling work and must have it done by contract. The estimated cost of this work was low enough that formal bidding was not required.

Using the informal bidding process, the City contacted three local firms about doing the work. Only one of the firms, APAC-Carolina, Inc., has the ability to do it, and they submitted a proposal that was within the City's budget for this work.

The proposed cost of the work exceeds the City Manager's contracting authority. Accordingly, the resolution authorizes the City Manager to execute the contract with APAC on behalf of the City.

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

REPORT ON PARKS AND RECREATION COMPREHENSIVE MASTER PLAN

Mr. Irby Brinson, Director of Parks and Recreation, said that in June of 1997, City Council approved entering into a contract with Woolpert LLP from Charlotte, North Carolina, to develop a comprehensive Master Plan for Parks and Recreation. In addition, in order to help facilitate the development of this plan and to ensure that input from the community occurred in the process, a Master Plan Steering Committee was developed of 20 members of the community. This Steering Committee represented the diverse interests in our area. The comprehensive master planning process was divided into several steps. These included compiling demographic information, analysis of existing facilities and programs, community needs assessment, development of Master Plan proposals and recommendations, action plan -3-

implementation and presentation to City Council. The development of this Master Plan included an extensive public input process which included the six meetings with the Master Plan Steering Committee, sixteen focus

group meetings and five community input sessions. This plan represents the recommendations from the community which will assist the City in developing the future of parks and recreation services and facilities for this community.

The Parks and Recreation Advisory Board, the Steering Committee and staff recommend adoption of the Parks and Recreation Comprehensive Master Plan through the year 2015.

Mr. Gary Stewart and Mr. Leon Younger, consultants from Woolpert, LLP., outlined the project overview which consisted of (1) long range plan - 17 years; (2) living document needing to be updated every five years; (3) planning area encompasses the extraterritorial jurisdiction; (4) community driven; (5) balance vision with realism; and (6) recognizes budget issues. He then used a flow chart to describe the planning process that took place.

The demographic information they reviewed contained (1) total population growth and projections; (2) age distribution and median age; (3) race; (4) sex and gender; (5) households; (6) income; and (7) economy. Physical factors reviewed were (1) growth trends, land use, and growth factors; (2) neighborhood and historic preservation; (3) transportation and roads; (4) water and sewer services; (5) soils and topography; (6) environment, open space, and watersheds; and (7) unique natural areas. Additional information included (1) 1996 planning area population was 98,202; (2) 2015 planning area population projection is 109,417; (3) the population is becoming more culturally diverse and aging; (4) more corporations are moving into the area; (5) topography presents major limitations; and (6) several major natural areas surround the City.

An analysis of facilities include: (1) the planning area has 112 recreation sites; (2) the Department operates 54 facilities including over 547 acres, 11 recreation centers, 40 parks, 2 swimming pools, 22 tennis courts and one cemetery; and (3) the Department also responsible for other City buildings. Further analysis shows (1) most park sites are used extensively and were generally rated good; (2) many facilities have aged and are at the end of their life cycle; (3) maintenance is stretched; and (4) pools and recreation centers need major upgrades. An analysis of recreation programs include (1) national trends for 21 program areas were overlaid and a strengths, weaknesses, opportunities and threats analysis was completed; (2) the Department is ahead of national trends in special events/festivals, daycare/preschool, and after school/day camp programs. National trends for the Department to consider are (1) wellness and fitness programming; (2) earned income opportunities; (3) program standards with measurable outcomes; (4) market plans for facilities/programs; (5) partnership development; (6) core program development; and (7) intergenerational programming of recreation centers.

The community needs assessment consisted of five techniques which were used to gather input: (1) project advisory team meetings; (2) focus group meetings; (3) community workshop meetings; (4) recreation standards; and (5) citizen survey. The project advisory team meetings consisted of (1) six meetings to review work in progress; (2) ranged from 25-40 people in each meeting; and (3) individuals representing various community viewpoints throughout the planning area. The focus group meetings (16 meetings from Oct. 2-23, 1997) was with (1) adult sports; (2) alternative transportation; (3) business community; (4) City Officials - 2 meetings; (5) co-sponsored groups; (6) cultural groups; (7) environmental groups; (8) festivals; (9) health services; (10) neighborhoods; (11) other recreation providers; (12) schools; (13) special populations; (14) youth services; and (15) youth sports. The community workshop meetings were in (1) East Asheville Center on October 2, 1997; (2) Montford Center on October 9, 1997; (3) West Asheville Center on October 16, 1997; (4) Shiloh Center on October 23, 1997; and (5) Civic Center on March 19, 1998. Recreation standards included (1) review state and national -4-

standards; (2) develop individual standards for City; (3) quantitative comparison for park land and facilities; and (4) comparison of individual programs based upon natural trends. The citizen survey consisted of (1) 3,500 surveys were distributed with 481 returned; (2) assessment of attitudes and awareness; (3) perceived importance of Parks and Recreation Department; (4) identify additional services desired; and (5) confirmed

findings from other techniques. Facilities statements: (1) need greenways, bikeways and safe walks; (2) need larger centers for multipurpose use; (3) need a sports complex, (4) need larger park sites; (5) purchase property for new parks; and (6) improve and upgrade existing parks. Program statements: (1) create joint ventures and partnerships; (2) coordinate city and county programs; (3) more senior, teen and female programs; (4) eliminate high cost and low attended programs; and (5) use centers for social events. Policy statements: (1) improve existing facilities and commit to maintenance; (2) make parks accessible to neighborhoods; (3) provide facilities throughout the community; (4) keep fees low for kids and seniors; and (5) don't let the center city sites get lost in the shuffle.

Proposals and recommendations included the following roles of providers: (1) federal; (2) state of N.C.; (3) Buncombe County; (4) City of Asheville; (5) other municipalities; (6) schools; (7) quasi-public sector; and (8) private sector. Buncombe County's role should be (1) more focused on County-wide facilities; and (2) provide district parks and special use facilities. The City of Asheville's role should be (1) more focused on serving Asheville citizens; and (2) provide community, neighborhood, mini, and special-use parks along with greenways. Both agencies' progress should be monitored to avoid duplication and maximize partnership. Partnership opportunities should include (1) schools; (2) neighborhood groups; (3) churches; (4) hospitals; (5) private sector; and (6) other agencies. Regional parks - sites within the area are sufficient and provide adequate service (Smoky Mountain National Park, Pisgah National Forest, Blue Ridge Parkway, Mt. Mitchell State Park and WNC Arboretum. District parks - one new site (Buncombe County). Community parks - three new sites - French Broad/landfill area; Lake Craig area; Erwin Hills area. Neighborhood parks - six new sites - Merrimon/Elkmont area, Beaverdam area; Starnes Cove area, Haw Creek area, Dingle Creek area and Royal Pines areas. Mini parks - nine new sites (existing acreage is adequate but individual districts have need for more sites) - north district - 2 sites minimum; south district - 4 sites minimum; east district - 1 site minimum and west district - 2 sites minimum. Specialized facilities: (1) create two sports game field complexes (a) Richmond Hill site (youth athletics) and (b) stand alone or at a community park site (adult/mixed-use); (2) improve existing swimming facilities at Malvern Hills and Walton Street; (3) develop 2 mega center sites west and south (one site with an indoor pool; (4) renovate and expand 4 existing centers as full multi-purpose recreation centers (Reid, Montford, Shiloh, Stephens-Lee); (5) reuse 7 existing centers as community centers (North, East, West, Murphy-Oakley, Senior Opportunity, Burton, Harvest House); and (6) develop one public golf course. Regarding greenways: (1) a Greenways Master Plan is currently being completed by the Planning Department which will make specific recommendations; (2) corridors were identified and coordinated with the Greenways Master Plan; and (3) standards indicate that 19-22 miles are needed for fitness and walking/jogging trails.

Action plan implementation (1) balance vision with realism; (2) three phases over the 17 year planning period (2015); (3) will meet the needs defined by the community; and (4) recognizes budget issues.

Capital Improvement Program - (1) There are three approaches (status quo, moderate, aggressive) for implementation; (2) following a status quo approach, the City is projected to spend \$13.4 million in the next 17 years; and (3) following an aggressive approach, the cost could reach in excess of \$70 million. A \$30.4 million moderate scenario for capital improvements allows for (1) renovations/maintenance - \$13.5 million; (2) 2 community parks - \$7.8 million; (3) 3 neighborhood parks - \$2.2 million; (4) 1 mega center without pool - \$5.6 million; and (5) youth athletic complex - \$1.4 million. A moderately aggressive proposal would -5-

include a renovations/maintenance program of \$13,365,000; land acquisition program of \$3,525,000; park development program of \$13,942,000; and special use facilities development program of \$26,482,000 for a total capital improvement cost of \$57,315,000 which does not include greenway development.

Phase I (2000-2005) could include: (1) on-going renovations/maintenance; (2) purchase park land: 3 community, 3 neighborhood, 1 mini, and mega center site; (3) plan and develop parks: 1 community; 3 neighborhood, and 2 mini; (4) plan and develop special facilities: youth athletic facility, mega center with pool, and golf course - total Capital Improvement Plan of \$27,847,500.

The proposed operations budget would be (1) at current levels (status quo), the City will spend \$90.4 million for operations; and (2) the total cost for operations through Fiscal Year 2015-16 is projected to be \$143,508,757 or approximately \$8,507,621 per year.

Staff needs: (1) the new organizational structure is centered on efficiency, communication, and strategic management; and (2) four key positions under the Director have been identified which are the Superintendent of Recreation, the Superintendent of Administration, the Superintendent of Parks, and the Superintendent of Facility Services.

Pricing recommendations: (1) establish a costing program to evaluate direct and indirect costs; (2) evaluate each activity's merit and benefit in order to determine its level of public subsidy; (3) establish a strategy to seek out sponsorships and grants through a formal request process; (4) communicate to users the percentage of monies each program receives from the City and/or outside sources; and (5) price all new program services at appropriate levels of public subsidy that are in tune with City's value system.

Earned income opportunities: (1) resident and non-resident fees; (2) sponsorships; (3) grants; (4) partnerships; (5) park foundations; (6) advertising; (7) volunteer development; (8) marketing strategies; and (9) privatization.

Key funding/revenue sources include: (1) generate a revenue plan considering all options of (1) general tax revenues; (2) general obligation bonds; (3) revenue bonds; (4) foundations; (5) general foundations; and (6) federal and state assistance.

Master Plan funding strategy includes: (1) increasing General Fund contributions by 5% will generate \$94,996,608 for the 17 year planning period (assuming \$76.80 per capita); (2) this increase represents 0.4% of the total City budget for Fiscal Year 1997-98; (3) if the funding remains at current levels it will generate \$90,457,057; (4) three bond issues are targeted for approximately \$27.8, \$18.2 and \$11.2 million for the years 1999, 2005 and 2011 respectively. The total is \$57,315,000 (100% of Capital Improvement Plan); (5) it is a goal for user fees to generate 18% of the total budget; (6) new and renovated facilities make this achievable; (7) the recommended Special Use Facilities (athletic complexes, 2 mega centers, golf course) will recover 73% of their cost under Asheville's current pricing philosophy; (8) a combination of partnerships, sponsorships, grants, gifts and other revenue sources; and (9) the goal for this combination is \$12,393,873 of total budget or \$729,051 over the 17 year planning period.

Review of the Master Plan funding strategy is the General Fund (49.29% of budget) for \$94,966,608; Bonds (28.54% of budget) for \$57,315,000; User Charge Revenue (18.00% of budget) for \$36,148,276; and Partnerships, grants, sponsorships and gifts (6.17% of budget) for \$12,393,873. The total being \$200,823,757.

Mr. Stewart and Mr. Younger responded to various questions from Council, some being, but not limited to: their opinion on whether the community would support a bond referendum; -6-

regarding the extraterritorial jurisdiction facilities, did they recommend that Buncombe County help with those facilities; what facilities are at the end of their life cycles; what types of partnerships were they thinking about; was the response to the citizen survey about average; why did they recommend a public golf course; what are the indirect costs they mentioned; what the bond referendum would cost the citizens in taxes; is it unusual for a parks & recreation department to maintain city buildings; what costs are attributable to the extraterritorial jurisdiction facilities; is it feasible to adopt a Parks & Recreation Master Plan without adopting a Greenway Master Plan; has any land been identified for mini-parks; suggestions for privatizing; how should the City proceed if a bond referendum failed; and what kind of grants are available.

Upon inquiry of Mayor Sitnick on whether the consultants felt that the City should sell any part of Memorial Stadium, Mr. Stewart felt that the City should not sell it.

Upon inquiry of Councilwoman Field relative to bonds and how much it costs the City to go through a bond referendum, City Manager Westbrook said that he would provide that information to Council.

It was the consensus of City Council to hold a public hearing on the Parks and Recreation Comprehensive Master Plan on May 12, 1998.

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

LITTER CONTROL

Ms. Karen Rankin, Waste Management Coordinator, reviewed with Council where litter comes from: pedestrians, motorists, dumpsters used by businesses, loading docks, construction and demolition sites, trucks with uncovered loads and household trash handling and its placement at the curb for collection.

She reviewed the current clean-up efforts: (1) Adopt-A-Street Program; (a) run cooperatively with Quality Forward; (b) currently 45 groups participating; and (c) city provides gloves, bags, and trash disposal; and (2) dump site cleanups; (2) work with Buncombe County and the N.C. Dept. of Transportation.

She reviewed Asheville dump site cleanups in 1998. Completed cleanups includes Club Street - 30 truck loads; \$17,000; and Montford - 12 truck loads, \$12,000. Current projects are on Merritt Street, Craven Street and Richland Avenue.

Downtown efforts include: (1) early morning trash pick-up; cigarette butt receptacles added; (3) street cans collection frequency increased; and (4) began work on flyer management.

New initiatives include (1) appliance collection fee reduced from \$25 to \$5; (2) additional street sweeper purchased; and (3) new position created - Sanitation Projects Coordinator.

Litter violations penalties are based on weight and type of litter disposed: (1) up to 15 pounds - \$100 to \$500, misdemeanor; (2) 15 to 500 pounds - \$100 to \$1,000, misdemeanor; and (3) over 500 pounds or a hazardous waste, felony.

Research by Keep America Beautiful Inc. found that people litter because they feel no sense of ownership, even though areas such as parks are public property, they believe someone else - a park maintenance or highway worker - will pick up after them; and (3) litter has already accumulated.

-7-

Mayor Sitnick noted that (1) she is in the process of obtaining reports of how many signs are taken down and other pertinent information regarding the sign enforcement; (2) she has talked with the Coalition of Asheville Neighborhoods regarding neighborhood kiosks; (3) she has talked with the City Manager regarding street and sidewalk vacuums which are expensive, but would help the street sweepers keep sidewalks clean - especially in the downtown area; (4) there is a need for an education awareness project in the schools; and (5) City Council needs to lend their support to the enforcement of the state law that requires loads on dump trucks to be covered.

Councilwoman Field said that (1) the kiosks in downtown are working; (2) graffiti needs to be removed from the buildings or painted over it as soon as possible; (3) litter in downtown actually needs to be picked up and just not swept from street to sidewalk; (4) litter on vacant lots needs to be addressed; and (5) people need to

be educated that the sidewalks in front of their buildings is their responsibility to keep clean along with keeping the grates around the trees clean as well from litter and cigarette butts.

Councilman Cobb stressed that an education program is an absolute must to help alleviate the problem of people littering.

Ms. Susan Roderick, Executive Director of Quality Forward, briefed Council on a litter summit taking place in Raleigh, N.C., and how our ideas might blend in with that road show. She also relayed that the private sector is starting to get involved with litter prevention.

Upon inquiry of the City Manager, Mayor Sitnick envisioned the litter roundtable consisting of those in the community who are already participating in that issue and having it open to the public and having it solution oriented. She suggested inviting various groups, i.e., Quality Forward, Adopt-A-Street, schools, the church community, etc. She felt that when a date is set for the litter roundtable, that it could be placed in Quality Forward's newsletter.

Mr. Bob Tinkler, with Adopt-A-Street, briefed Council on how they are working on litter prevention.

Ms. Willie Mae Brown, Chair of the Clean Community Committee, urged City Council to adopt-a-street and hoped they would continue to support their efforts.

Upon inquiry of Mayor Sitnick, Ms. Roderick said that Quality Forward has done some work with the fast food franchises and will continue to try to do more.

It was the consensus of City Council to hold the litter roundtable in the third week in August, 1998.

ESTABLISHMENT OF AN ASHEVILLE FILM BOARD

Ms. Robin Westbrook, Public and Community Involvement Coordinator, said that this is the consideration of an ordinance establishing an Asheville Film Board.

Western North Carolina (WNC) and the surrounding area has become an increasingly popular location for film production. Efforts to promote and coordinate film production in WNC are currently organized through the North Carolina Film Commission and the Western North Carolina Film Commission. City Council has expressed an interest in supporting these and other activities by establishing an Asheville Film Board. This Board will encourage and support efforts to increase film production in the City of Asheville.

-8-

City Attorney Oast suggested some amendment to the ordinance prior to adoption by City Council.

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

REPORTS FROM BOARDS AND COMMITTEES

Councilman Tomes said that the Minority Business Commission has requested that they be allowed to make a presentation to City Council. It was the consensus of Council to instruct the City Manager to schedule their appearance at a worksession.

Councilwoman Field was pleased to report that the Metropolitan Sewerage District Planning Committee is taking a step forward by hosting or initiating some type of long range planning for infrastructure for the whole region.

HILLCREST COMMUNITY MEETING DATE

It was the consensus of City Council to hold the Hillcrest community meeting on Tuesday, May 5, 1998, at 6:00 p.m., at the Hillcrest Community Center. The tour of the pedestrian bridge will take place at 5:30 p.m. on Tuesday, May 5, 1998, with City Council meeting at the community center.

DISCUSSION OF CONDITIONAL ZONING

Mr. Gerald Green, Senior Planner, said that this report provides information on conditional use zoning to assist City Council in making a decision regarding the application of this process in Asheville.

Conditional use zoning permits a significant amount of flexibility during the rezoning process. The flexibility provided by this approach allows the attachment of conditions tailored to the property being rezoned or to the use proposed for the site. Conditions are identified and agreed to by the applicant, with the approval of the decision-making body. Adverse impacts of the rezoning, and subsequent development, can be mitigated by the conditions attached to the rezoning. Significantly more time is required for the review and administration of conditional use zoning due to the need to identify conditions, negotiate with the various involved parties, and assure compliance with the conditions. Conditional use zoning can be a useful tool for those communities willing to commit the resources necessary to make it work.

This report is being provided as additional information for City Council regarding conditional use zoning.

By the use of slides, he explained what conditional use zoning is: (1) zoning which allows the attachment of conditions during the rezoning process; (2) conditions typically address potential impacts or circumstances unique to the property; (3) conditions vary from case to case; (4) conditions assure that development on rezoned land is compatible with surrounding uses and that adjacent properties are protected from negative impacts or loss of value; (5) conditions usually consist of on-site design restrictions and requirements, but can include requirements for construction of or payment for off-site improvements; (6) conditions must be identified by the rezoning applicant and approved by the City Council as part of the rezoning; (7) site plan is not reviewed as part of rezoning request; (8) during review of the site plan, review staff assures that all conditions attached to the rezoning are -9-

met; and (9) following approval of the site plan and construction of the building, City staff must assure that all conditions are met and continue to be met.

He then outlined two approaches to conditional use zoning: (A) Floating Zone: (1) conditional use design described for each zoning district in text of zoning ordinance; (2) no initial indication of conditional use zones on zoning map; (3) each rezoning considered on case by case basis; (4) rezoning of any property permitted subject to agreed upon conditions; and (5) if no action taken to obtain zoning/building permit within specified time, rezoning is void; and (B) Overlay Zone: (1) conditional use zoning permitted only in specified zoning districts; (2) conditional use districts described in text of ordinance and shown on zoning map as an overlay to the existing zoning; (3) City identifies and designates those areas where conditional zoning is appropriate or necessary; and (4) flexibility is limited under this approach.

The advantages include: (1) encourages dialogue and negotiation among the applicant/developer, staff, and neighboring property owners; (2) permits the identification of a specific use(s) allowed on the site; (3) reduces fear of the unknown; (4) conditions are tailored to the site, addressing impacts the proposed uses would have on neighboring properties and the infrastructure; (5) provides the City with greater flexibility in the approval of rezoning requests; (6) permits the mitigation of development impacts; and (7) if used correctly, can help in the implementation of the comprehensive plan and small area plans.

The disadvantages include: (1) requires more time for staff, applicants, neighboring property owners,

Planning & Zoning Commission, and City Council to identify and approve conditions; (2) change in development plans for property following conditional zoning may result in rezoning becoming void; (3) administration of development becomes more time consuming, as each site could have different development standards; (4) could result in increase in number of rezoning requests, as change in development plans require revised conditions; (5) concern that City may be micro-managing development; (6) more staff time spent on conditional use zoning requests would require revision of other staff priorities; and (7) revisions to record-keeping system would be needed to keep track of conditions attached to rezonings and compliance with these conditions.

Mr. Green and City Attorney Oast responded to several questions from Council relating to why staff didn't recommend conditional use zoning when the Unified Development Ordinance was being reviewed; how does spot zoning come into place with conditional use zoning; what type of conditions can be placed on a rezoning; will the permit fees for conditional use zoning be higher; and can the conditional use zoning be limited to certain districts.

Mayor Sitnick stated that Council is trying to be efficient and effective with staff and felt that they are already being stretched where enforcement is concerned. She felt that if 95% of the cases want special consideration, then eventually everyone will want special consideration and then what is the point of a standard Unified Development Ordinance. She felt the issue needed some intense thought with some concerns being staff time, budget concerns if there is a need to hire additional staff, and City Council time.

Vice-Mayor Hay agreed that it sounded like a tremendous amount of staff time, in addition to more time for the Planning & Zoning Commission and City Council.

City Manager Westbrook, who is the former City Manager of Cary, N.C., where conditional use zoning is used, outlined his experiences with that type zoning.

Councilman Tomes realized that there needs to be standard procedures but since government is to work on behalf of the people, he felt Council should at least have the option for some flexibility. -10-

It was the consensus of City Council to consider this again when the Unified Development Ordinance is having its annual review in the next couple of months.

OTHER BUSINESS:

Councilwoman Field advised Council of a State Building Code requirement that has to do with the issue of allowing open stairs inside of buildings, which will have a major effect on affordable housing. She felt this may be something that City Council will want to write their legislative delegation about.

Ms. June Lamb stressed the need for the urgency of City Council to consider the Shelburne Road rezoning issue and not wait until the public hearing continued date of July 28, 1998.

CLOSED SESSION

At 6:52 p.m., Councilman Sellers moved to go into closed session for the following reasons: (1) to consult with an attorney employed by the City in order to preserve the attorney-client privilege between the City and its attorney. The parties in the matter about which the Council expects to receive advice are: (A) Multimedia Publications of N.C., Inc., d/b/a Asheville Citizen-Times; (B) Brenmor Cable Partners, Ltd., d/b/a InterMedia; (C) City of Asheville - the statutory authority is G.S. 143-318.11 (a) (3); and (2) to establish, or to instruct the City's staff or negotiate agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real estate - the statutory authority is G.S. 143-318.11 (a) (5). This motion was seconded by Councilman Cobb and carried unanimously.

At 7:50 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Vice-Mayor Hay and carried unanimously.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 7:50 p.m.

CITY CLERK MAYOR
