

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

Worksession

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

Mayor Sitnick introduced the Honorable Johnny Fender, Mayor of the City of San Angelo, Texas, who is visiting the Asheville area. Mayor Fender spoke briefly about the similarities of his City to Asheville.

CONSENT:

Grant Application for Five New Police Officers

Summary: On January 22, 1998, the Police Department submitted a grant application to the US Department of Justice, Office of Community Oriented Policing Services. This application requests federal assistance to the City to hire five new police officers. These new officers will be assigned to the South Market/Eagle Street and contiguous areas to provide an increased level of law enforcement and public services.

The application requested three years federal funding in the amount of \$323,925. The granting agency requires a local matching contribution of \$107,975 for a total project cost of \$431,900 for the three year term. The first year's match is \$19,075, second year is \$41,840; and, third year is \$47,060.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to accept a grant from the US Department of Department of Justice, Office of Community Oriented Policing Services, to fund five new police officer positions; and (2) a budget amendment to appropriate funds to the project.

Grant Application for Computer Equipment and Two Positions for Police Department

Summary: On June 11, 1998, the Police Department submitted a grant application to the US Department of Justice, Office of Community Oriented Policing Services. The application requests federal assistance to the City for the purchase of 106 in-car laptop computers for the police fleet, and funding for two new Police Service Technician (PST) positions. The computers will enable officers to have field based access to all systems currently residing on the Criminal Justice Information System, (CJIS). Field based CJIS access will increase officer efficiency through reducing officer "in the office" administrative time, and, thereby, allowing more time for community policing activities.

The PST positions are non-sworn positions. Once filled, the PSTs will provide various public, police services that do not require police certification, such as, traffic control, minor crime investigation, escorts, and security patrols. With the PSTs providing these services, police officers will have more time to commit to law enforcement operations. Costs for staffing PST positions are less that costs for staffing police officer positions.

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The application requests federal funding in the amount of \$744,640. The granting agency requires a local matching contribution of \$245,814, for a total project cost of \$990,454. A request for waiver of the local match was sent along with the application. This is a one year grant. However, pending future Congressional

appropriation, second and third year funding for the PST positions may be available.

The City will receive notification regarding grant award before September 30. If there is an award, the matter will be presented to City Council at that time for approval and funding consideration.

Grant Application for Computers and Radar Equipment for Police Department

Summary: The Asheville Police Department requests approval for the City to submit a grant application to the N.C. Governor's Highway Safety Program. The application requests assistance to the City to purchase equipment to support the department's traffic safety program; specifically five in-car computers and five speed detection devices.

The application requests federal funding in the amount of \$37,500. The granting agency requires a local match in the amount of \$12,500, for a total project cost of \$50,000. Second and third year funding may be available.

Mayor Sitnick asked to be kept up to date relative to the Criminal Justice Information System.

Grant Application for Master Street Tree Plan

Summary: The consideration of a resolution to apply for grant funds from the NC Dept. of Environment and Natural Resources to develop the first phase of the Master Street Tree Plan.

Funds are available through the State of North Carolina, Department of Environment and Natural Resources, Division of Forest Resources in the Urban and Community Forestry Grants Program, to improve urban forest resources.

The Parks and Recreation Department is responsible for developing a Master Street Tree Plan (MSTP) for street trees on City rights-of-way located within the City limits of Asheville. The existing inventory is almost fifteen years old and no longer accurately reflects the trees of the City. Phase I of the process will specifically identify the location, size, condition, and site conditions of trees located in the central district of Asheville. The MSTP will help serve as a critical link in developing a long term management plan for Asheville's urban trees, provide information for future tree planting and forestry planning, and provide educational and volunteer opportunities for community organizations.

The Parks and Recreation Department is requesting \$10,000 in grant funds which requires a 100% match. Matching funds are currently available in the Park Maintenance and Public Facilities budget. In-kind match will include supplies, transportation, volunteer hours, and project management.

The Parks and Recreation Department recommends adoption of the resolution authorizing the City Manager to enter into this agreement if the City receives the grant award.

Grant Application for Greenway Trailhead and Ramp Segment on Broadway Greenway

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Summary: The consideration of a resolution to apply for grant funds through the N.C. Dept. of Environment & Natural Resources to construct a greenway trailhead and ramp segment on the Broadway Greenway.

Funds are available through the State of North Carolina, Department of Environment and Natural Resources in the National Recreational Trails Fund Program (NRTFP) to provide trails for public use in North Carolina.

The Broadway Greenway represents the next section in the City of Asheville's urban trail corridor linking the

University of North Carolina to the Downtown business district. Phase I of the corridor was completed in 1997 with the first section of the Weaver Blvd. Greenway. The next section of Weaver Blvd. will be completed in 1998/1999. The City has been working for some time to develop the Broadway Greenway along Reed Creek on the west side of Broadway. Eventually this corridor will link downtown neighborhoods to the Weaver Blvd./Glenn's Creek Greenway.

The focus of this grant will be the segment of greenway between Chestnut Street and Magnolia Street. The greenway begins at Chestnut Street where a large, five points intersection is located. The grade change from Chestnut Street to Reed Creek is very steep. A ramp will be needed to provide wheelchair and bicycle accessibility to the greenway. Since it is a large, busy area, the entrance will need a strong visual statement will need to be made to show where the greenway begins. The entrance will include signage, map, and benches. The funds from this grant will be set aside to assist with the construction of the trailhead and ramp, and to build a segment of the trail between Chestnut Street and Magnolia Street.

The Parks and Recreation Department is requesting \$30,000 in grant funds which requires a 20% match. Matching funds are currently available in the Capital Improvement Project budget designated for Broadway Greenway, in the Park Maintenance and Public Facilities Division. In-kind match will include labor, equipment, and project management.

The Parks and Recreation Department recommends the adoption of the resolution authorizing the City Manager to apply for and enter into this agreement if the City receives the grant award.

Grant Application for Historical Markers at Riverside Cemetery

Summary: The consideration of a resolution to apply for funding through the Community Foundation of Western North Carolina for historical grave markers and an exhibit area at Riverside Cemetery.

Funds are available through the Community Foundation of Western North Carolina to provide educational and preservation opportunities.

Riverside Cemetery is designated as a National Historic Site, and a local historic site within the Montford Historic District. It is also designated as a Buncombe County Treasure Tree Preserve. Besides burial services, Riverside offers variety of activities such as tours, genealogy studies, tree, flower and animal identification, and grave marker rubbings.

Historical grave markers and the exhibit area will be part of the Riverside Cemetery Tour Program, and will offer visitors a greater opportunity to identify historic grave sites and utilize both guided and self guided tours. Over 2,000 visitors a year will experience a unique educational and cultural history lesson about many of Asheville's most prominent citizens, and their contributions to our community.

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The Parks and Recreation Department is requesting \$4,000 in grant funds. Supplemental funds are currently available in the Riverside Cemetery budget, and through private contributions. In-kind support will include labor and project management.

The Parks and Recreation Department recommends adoption of the resolution authorizing the City Manager to apply for and enter into this agreement if the City receives the grant award.

Withdrawal of Dedication for Miller Avenue

Summary: The consideration of a resolution finding the right-of-way known as Miller Avenue not part of an adopted street plan.

The right-of-way known as Miller Avenue as shown in Plat Book 32, Page 32, is not part of an adopted street plan in accordance with General Statute 136-66.2. Peggy M. Bridgeman has requested that City Council adopt a resolution stating such.

According to North Carolina General Statute 136-96, a right-of-way not utilized within 15 years of dedication can be abandoned through a recording of a Declaration of Withdrawal.

To proceed with this process, Peggy Bridgeman sole heir of Joel R. Miller and owner of PIN Nos. 9755.17-01-1345, 1236, 1138, 1120, 1023, 3353, 3255, 3156, 3049 and 3041 has requested that the City of Asheville verify if the specific rights-of-way are or are not part of the City's adopted street plan. The statute requires that the City adopt a resolution stating the right-of-way to be abandoned is or is not part of a proposed street plan. The unused right-of-way is not part of any such plan and is not a City maintained right-of-way; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution, thus allowing Peggy Bridgeman to withdraw this specific right-of-way.

The Public Works Department staff finds that the right of way known as Miller Avenue from the intersection with Summit Avenue and Maude Avenue, in their entirety, as shown on Plat Book 32, Page 32 is not part of an adopted street plan and recommends the adoption of this resolution.

Setting a Public Hearing to Close an Unnamed Alleyway between Miller and Pond Avenues

Summary: The consideration of a resolution setting a public hearing to permanently close an unnamed alleyway between Miller and Pond Avenues.

A petition has been received from First Citizens Bank & Trust Company requesting that an unnamed alleyway between Miller Avenue and Pond Avenue be permanently closed to public use.

The petition received includes the affidavit of First Citizens Bank and Trust Company, owner of parcels 9654.05-09-7679,7851,8772, and 8970. First Citizens Bank and Trust Company owns all of the property with frontage on the unopened alleyway between Miller Avenue and Pond Avenue that has been petitioned to be closed.

Amendment to Comprehensive Parking Study to include Transportation Corridor Analysis for Biltmore Village Area

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Summary: The consideration of a resolution amending the contract for the Asheville Comprehensive Parking Study to include a Transportation Corridor Analysis for the Biltmore Village area.

The original contract cost for the Comprehensive Parking Study is \$92,400.00 (Downtown, Biltmore Village and West Asheville areas). Due to the need for a Transportation Corridor Analysis for the Biltmore Village area, staff recommends that an amendment be issued to increase the contract by \$34,833.19. This will revise the contract to \$127,233.19. The funds to be used for the above amendment will be encumbered from account code 110-2501-418-3010.

The consultant will review and summarize the existing traffic and thoroughfare plans, conduct transportation analysis and develop recommendations and prepare a transportation plan which will compliment and extend the existing Biltmore Village Development Plan and the Asheville Thoroughfare Plan for this area..

School Crossing Guard Contract

Summary: The Asheville Police Department, through the use of a private contractor, provides school crossing guards at 22 sites in the City of Asheville. This service is during early morning hours and early afternoon hours, Monday through Friday.

Funds allocated in the line item 110-3503-421-3010C46201, Professional Services, in the amount of \$75,800.00. The only bid received was from DAP Security in the amount of \$74,527.20, for each academic year of 1998/99 and 1999/2000.

Acquisition of a Utility Billing System

Summary: The consideration of a resolution authorizing the acquisition of a utility billing system.

On November 25, 1997, the City entered into a Software License and Services Agreement with H.T.E., Inc. to acquire a computer hardware/software system to meet most of the City's central computer automation requirements and to ensure Year 2000 compliance/compatibility. That acquisition was financed through a master lease with Ontario Leasing which the City uses to acquire virtually all our computers and related equipment. The hardware has been installed and "live" operation of many of the software applications modules began on July 1, 1998. Implementation of the remaining application modules will continue through the remainder of 1998. The original Software License and Services Agreement included an option to acquire H.T.E.'s utility billing software at a later date at a guaranteed price.

The resolution authorizes the City Manager to execute a Supplement to H.T.E., Inc. Software License and Services Agreement which exercises the City's option to acquire the utility billing system. The resolution also authorizes the City Manager to add the utility billing system to the City's master lease agreement with Ontario Leasing.

The total cost of the utility billing system and associated training and technical support is \$156,000.00. This cost will be spread over five years by the master lease. Funding for the first year of the lease has been appropriated in the FY 98-99 budget.

Staff recommends City Council adopt a resolution which authorizes the acquisition of a utility billing system.

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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.

IDENTIFICATION OF UNIFIED DEVELOPMENT ORDINANCE ANNUAL REVIEW ISSUES

Mr. Gerald Green, Senior Planner, said that as directed by Council at the time of adoption of the Unified Development Ordinance ("UDO"), an annual review is scheduled to discuss how the UDO is working, to review revisions already adopted, and to identify and discuss possible additional revisions.

At the time of adoption of the UDO, City Council directed staff to conduct an annual review of the UDO. The purpose of the review is to assess the effectiveness of the UDO, with particular attention to its level of success in directing growth and development to the advantage of the developer, the citizens, and the City as a whole. Among the items to be discussed during the review are how the various review processes established by the UDO are working, revisions already made to the UDO, and possible additional revisions.

In preparation for the annual review staff has compiled a list of the adopted revisions to the UDO and prepared a list of possible revisions for consideration as part of the review. The list of possible revisions reflects input from staff, Council members, and the public. This information is being provided for Council's review and consideration. At the appropriate time, Council may identify revisions which it wishes staff to

incorporate into the UDO. This will require review and recommendation by the Planning and Zoning Commission and adoption by City Council. As part of the review and approval of any possible revisions to the UDO, both City Council and the Planning and Zoning Commission must hold public hearings.

He reviewed the Level I review process as follows:

- Residential Projects 3 - 7 units
- Commercial, Office and Institutional projects up to 35,000 square feet
- Industrial projects up to 100,000 square feet
- Staff level review, no formal meeting
- 10 working days turnaround
- 42 projects reviewed June to December 1997
- 75 projects reviewed January to July 1998
- Core Review Team meets every 6 to 8 weeks to assess process
- Problems assessed immediately
- No major concerns identified by community
- Staff reorganization assigned one staff person to Level I review

Level II Review:

- Residential Projects 8-50 units
- Commercial, Office and Institutional projects 35,000 to 100,000 square feet
- Industrial Projects from 100,000 square feet up to a site of 15 acres
- Review by staff
- Approval by Technical Review Committee ("TRC")
- Public notified of TRC meeting
- TRC meeting 2 weeks after submittal deadline
- 5 projects reviewed June to December 1997
- 5 projects reviewed January to July 1998
- No major problems identified with review process
- Concerns and problems addressed by TRC

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Level III Review:

- Residential projects over 50 units
- Commercial, Office and Institutional projects over 100,000 square feet
- Industrial projects over 15 acres
- Review by staff
- Recommendation by TRC
- Public hearing held by City Council
- Decision regarding approval made by City Council
- Treated as conditional use
- Approximately 4-6 weeks from submittal to decision
- One Level III project submitted since UDO adoption
- No major concerns or problems identified with review process

He then reviewed the minor subdivision review process:

- Subdivisions requiring no new streets, utilities, easements and/or rights-of-way
- Review and approval by staff
- Typical review time 3-4 hours
- 25 subdivisions reviewed June to December 1997
- 30 subdivisions reviewed January to July 1998
- No problems or concerns identified
- Review staff has refined review process

Major Subdivision review:

- Subdivisions requiring new streets, utilities, easements and/or rights-of-way
- Review and recommendation of preliminary plat by TRC
- Approval of preliminary plat by Planning & Zoning Commission ("Commission")
- Neighboring property owners notified of hearing held by Commission
- Approximately 4 week review period for preliminary plat approval
- Final plat reviewed and approved by staff
- Typical review time for final plat is 2-3 days
- 5 major subdivisions reviewed June to December 1997

- 6 major subdivisions reviewed January to July 1998

This information is provided for Council's review and discussion at this time; it has not been reviewed by any other body and there is no recommendation.

Suggested Review Items:

The following possible revisions to the UDO have been identified by various boards, commissions, members of the public, and/or staff. Staff recommends further review and consideration of the following identified revisions:

Revise Office District - Revise the current Office District standards to reduce the permitted building size (currently 4,000 square feet footprint and 8,000 sq ft gross floor area) and create a new "medium range" Office District II to bridge the gap between the revised Office District and the Office/Business District, which permits buildings up to 30,000 sq ft gross floor area.

Create a Mixed Use Planned Unit Development District - The UDO includes a Planned Unit Development (PUD) overlay district designed to permit and encourage flexibility in site design for developments. Density bonuses are provided as an incentive in the residential developments to encourage the provision of affordable housing and protection of sensitive -8-

areas. Up to 10% of the land area may be developed for community businesses or offices serving the development and immediately surrounding areas. Requests have been presented for the development of a Mixed Use Planned Unit Development District which would permit developments containing a range of uses from mixed density residential to office to commercial designed in a unified manner. Design flexibility would be a key component of this district, with incentives provided to encourage the attainment of community goals (walkability, provision for alternative modes of transportation, etc.).

Create an Open Space/Park Zoning District - Develop a zoning district designed to accommodate public parks and open spaces. The proposed zoning district will permit the development of parks and related public facilities and serve to protect these resources. The Open Space/Park District will be applied to publicly owned properties; privately owned properties will not be assigned this designation.

Landscape Ordinance Revisions - Minor revisions to the Landscape and Buffering Ordinance are proposed. The following revisions have been identified by the Tree and Greenway Commission: (1) Require all parking spaces within a parking lot to be located within 30' of a tree instead of 60' as required in the current ordinance; (2) Require that trees and shrubs be planted within 8' of a vehicular use area, instead of 20', to count as parking lot landscaping; (3) Establish a time limit within which parking lot landscaping intended to buffer the lot from the street must meet the required 3' height and within which berms and grade changes must be covered with vegetation; (4) Establish a requirement for enhanced buffers where development abuts the interstate; and (5) Review the requirements for maintaining existing trees during the development process.

The following minor revision has also been identified: Establish a requirement for enhanced buffers where development abuts the interstate.

One other request has been brought to the staff's attention - that we review the requirements for maintaining existing trees during the development process. Under the current ordinance, credits for new trees are given for existing trees, with the number of credits related to the size of the tree (the larger the tree, the more credits) as an incentive to preserve existing trees. Cutting of trees on private property cannot be restricted, other than in local historic districts, without special enabling legislation.

Standards for Churches - Citizens have submitted a request that churches be limited to one sanctuary building and one classroom building per parcel of property in residential districts.

Underground Utilities - The UDO requires that utilities in new subdivisions be placed underground, but does not address the location of utilities in other developments. Staff has received comments stating that utilities in all developments should be required to be placed underground. It is argued that underground utilities would not only be more appealing aesthetically, but would not be subject to damage due to wind, snow, or accident. The initial cost of installing utilities underground is higher than installing overhead lines.

Broaden Permitted Uses in Community Business II District - The Community Business district, designed to provide areas for businesses serving several residential neighborhoods, should be sensitive to a significant pedestrian population while providing for adequate and safe vehicular access. A wide range of office, business, and service uses are permitted in the district including service stations and motor vehicle repair. A request from Realtors asks that the addition of mini-storage facilities and automobile dealerships to the list of permitted uses in this district be examined.

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Identify Additional Neighborhood Business Zones - The Neighborhood Business District provides areas which are accessible to pedestrians for low intensity businesses which meet the daily convenience and personal service needs of the residential neighborhoods in which they are located. A group of Realtors has asked that additional areas which are appropriate for neighborhood commercial opportunities be identified for the application of this zoning district.

Advertising on buses and taxis

Extraterritorial jurisdiction research

Investigation of design guidelines in areas not designated as local historic districts

Make meetings/dialogue between developer and neighborhoods mandatory

Staff recommends that the following possible revisions not be considered at this time for various reasons, including the amount of research involved, impact on staff, etc. :

Landscape Ordinance Revisions - (1) Add improved standards for maintenance of landscaping planted to comply with landscape ordinance, including the requirement for a permit to remove, prune, thin, or otherwise alter vegetation planted to meet requirements of the landscape ordinance; and (2) Require all developments not in compliance with landscape requirements to comply with current landscape requirements, regardless of when the development was completed.

Environmental Impact Statement Requirement - Require all developments above a certain size to provide an environmental impact statement which would identify the impacts of the proposed development upon the environment and steps to mitigate the impacts. Currently, all developments are reviewed to assure availability of water and sewer services, those above a certain threshold must prepare erosion control and stormwater management plans, and a traffic impact analysis is required for developments generating more than 100 trips during the peak hour.

Zoning of Merrimon Avenue - Merrimon Avenue is currently divided primarily into three (3) business zoning districts, with small sections of residential and institutional zoning also present. The business districts are related to the type and scale of businesses presently found on different sections of the street, the capacity of the street to accommodate additional traffic, the scale of the neighborhoods near the street, and the type of development identified as desirable and appropriate for the street. While not permitting all types of

development at all locations, the different business districts permit a wide variety of uses along Merrimon. Some members of the community have requested that the zoning of Merrimon Avenue be reviewed to assure that it is appropriate and capable of meeting the development needs of the area. The persons requesting this review are particularly concerned about the restrictions on building size and the prohibition on drive-through facilities in the Community Business I zoning district.

Grading Without An Approved Development Plan - Review the current standards for grading without an approved development plan (speculative grading). Currently, grading without an approved development plan is prohibited in all residential districts and in the River District. Grading without an approved development plan is permitted in all other zoning districts, provided that a landscape plan showing buffer plantings, street trees, and a permanent vegetative cover is submitted and approved prior to the issuance of the grading permit. A time period is identified within which the site must be landscaped as shown on the approved landscape plan. -10-

Zoning of Emma Road - Louisiana Road Area - A group of Realtors has requested that this area, currently zoned CB II and Office/Business be zoned for light industrial uses. Staff has concerns regarding the ability of the roads in this area to accommodate the heavy truck traffic which could be generated by industrial uses.

Revisions to the UDO approved in the past year

The following revisions to the UDO have been adopted by the City Council since its adoption May 27, 1998:

- Limitation on new off premises signs and clarification of requirements for existing outdoor advertising signs;
- Revisions to Hillside Area Development standards to better define grading as the term is used in the standards;
- Revision to clarify the definition of Assisted Living Facility;
- Adoption of River District Design Guidelines;
- Adoption of UDO minor revisions (various revisions clarifying definitions, procedures, and standards);
- Revision changing the threshold for requiring a Traffic Impact Analysis;
- Providing authority to Board of Adjustment to grant variances permitting up to 10% reduction in lot size and dimension;
- Clarification of restrictions on locating parking areas with regard to backing onto private roads or drives;
- Revised definition of family care homes
- Identification of adult uses as conditional uses;
- Revised definition of schools;
- Identification of day care centers as permitted use, subject to special requirements, in the Office District and establishment of standards for this use; and
- Identification of accessory structures as permitted use, subject to special requirements, in all residential districts and establishment of standards for this use.

The following revisions have been recommended by the Planning and Zoning Commission but not yet acted on by City Council:

- Revised definition of antenna;
- Identification of accessory structures as a permitted use, subject to special requirements, in all residential districts and establishment of standards for this use;
- Clarification of requirements for grading in the buffer area; and
- Revised definition of building (include breezeways).

Mr. Green responded to various questions from Council throughout his presentation.

Discussion surrounded whether there should be a public hearing to find out what revisions to the UDO the general public would like to see. It was determined that this annual review process was for Council to receive feedback from staff on how the UDO was working internally and what kind of feedback from the public they were receiving.

Mr. Mac Swicegood, President of the Council of Independent Business Owners ("CIBO"), read a letter, which points are as follows: (1) The most inadequate portion of the UDO is its purported claim to be favorable to affordable housing. The Council of Independent Business Owners strongly urges the City Council to take up this issue immediately in an effort to streamline the processes and to identify and approve areas for affordable housing development; -11-

(2) The thresholds for development are still too low; (3) Height of building restrictions especially in the areas like the river district need to be eliminated; (4) Traffic studies on N.C. Dept. of Transportation ("NC DOT") highways should be eliminated if the NC DOT approves a project; (5) Traffic studies on City streets should be eliminated except where the City Engineer deems that a study is warranted - in that case, CIBO strongly urges the City to conduct its own study in-house at no charge to the landowner; (6) the standards and specifications manual should be reviewed to incorporate more user-friendly rules - CIBO suggests a workshop with City officials, Council members and developers to look at the effects of the manual on development; (7) Study the TRC and instruct them to act in a timely and efficient manner - decisions should be made within a 30-45 day period; (8) Grading should be allowed in all districts within the City if an approved landscaping plan is presented; (9) Current rules regarding attempts to address topographical problems of development in and around Asheville are unworkable; (10) Problems with provision in some districts that disallows parking in the front of businesses; and (11) Drive-through windows should be allowed in all commercial districts where lot and building size requirements can be met. He stated that the following two broader issues need to be considered: (1) "the City's permitting process - 'one stop permit shopping' needs to be given more consideration to ensure that rules and groundwork are laid out up front for a development, instead of receiving surprises in the middle of the process; and (2) Council should consider waiving permit fees for a project is not acted upon within 30 days."

Mr. John Van Dyke, Chairperson of the Board of Realtors Legislative Committee, requested that Article 7-1-2 (Purpose) be amended to read as follows: "These regulations have been adopted ... in order to ... protect and conserve the heritage of the City of Asheville while recognizing and safeguarding individual private property rights"

Mr. Brian Peterson, President of the Coalition of Asheville Neighborhoods, asked (1) that City Council review the Level II process to see if those are the kind of projects City Council should look at or staff should look at - suggestion might be to lower the threshold or allow for more public input; (2) the UDO be amended to allow public input at the Technical Review Committee meeting; (3) the UDO be amended to require developers or Planning staff to meet with the neighborhood when there is a proposal; (4) that Council look at design review standards; and (5) to consider the problems with the Board of Adjustment and see if there is any kind of

reform Council can take under that.

It was the consensus of Council to review this information and at the August 4, 1998, worksession at which time they will instruct staff which items they would like to pursue as possible revisions to the UDO.

REQUEST FROM BOARD OF ADJUSTMENT WITH RESPECT TO SIGNS AT INTERSTATE INTERSECTIONS

Ms. Julia Cogburn, Director of Planning & Development, said that the Board of Adjustment wishes to address Council with respect to signs at interstate interchanges.

At a meeting several months ago of the Board of Adjustment of the City of Asheville, the Board asked staff to bring a particular issue to City Council. The Board indicated at that time that it was concerned with the number of requests it is receiving for a certain type of variance. The particular variance request comes from businesses located in close proximity to interstate interchanges in the City of Asheville. The requests are typically for bigger and taller signs. The suggested hardship is the need to be visible from the interstate for the motoring public.

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Staff has advised the Board on this issue and they feel that these types of issues are best dealt with as variances on a case by case basis. It's very difficult to draft an ordinance that would apply across the board given all the different interchanges in the City of Asheville. The Board wishes to address Council. Their interest is in whether or not Council would consider some sort of direction -- perhaps through ordinance revision -- to allow taller and larger signs near the interchanges. The Board is particularly concerned with the interchange near Exit 44, the Enka-Candler Exit.

She reviewed a listing of the number of and disposition for the variance requests received of this type going back to 1980.

Even though there was no formal vote by the Board of Adjustment and no overall consensus on this, generally the Board the board ruled that they did not want to hear any of these issues come forward to them until this was brought to Council.

Discussion surrounded the process for getting signs placed on the large blue signs interstate signs regulated by the State.

Mr. David Young, member of the Board of Adjustment, spoke in favor of an ordinance revision that would set the height and size of a sign.

Mr. Dennis Hodgson, member of the Board of Adjustment, spoke against any across-the-board ordinance revision and felt that all cases should be decided on a case-by-case basis.

Several ideas were discussed, however, it was noted that we need to have some flexibility in the community given the terrain in Asheville. And, an important duty of the Board of Adjustment is to do a case by case analysis of each variance requested.

A representative from Popeye Chicken and Biscuits spoke in support of each variance request being dealt with on a case by case basis given the topography in the area.

It was the consensus of Council for the Board of Adjustment to continue their review of variances on a case by case basis.

PRITCHARD PARK DESIGN SERVICES CONTRACT

Mr. Alan Glines , Assistant to Landscape Architect, said that the Parks and Recreation Department was directed to select design services of an interdisciplinary firm to provide a complete scope of planning, design and construction drawings to redesign Pritchard Park. The Pritchard Park Task Force and staff have selected Genesis Group, Inc. through the request for proposal process.

Over the past several years with the discussion and eventual construction of the new transit center on Aston Street in downtown Asheville, interest in redesigning Pritchard Park has been rekindled. In August 1997, staff from the Parks and Recreation Department created a Task Force composed of citizens representing different interests in downtown. The Pritchard Park Task Force solicited citizen input in November 1997 during a public meeting before sending out a Request for Proposal for professional design services. After narrowing the field and interviewing four firms, Genesis Group, Inc. was selected as the most qualified firm and recommended the City enter into a contractual agreement for the requested design services. The following individuals were involved in the process of selecting the top ranked design consultants: Susan Roderick (Quality Forward), Adina Goodwin (Tree/Greenway Commission), John Rogers (Rogers Associates), Councilwoman Barbara Field, Al Kopf and Alan Glines (Parks and Recreation Department), Danie Johnson (Danie A. Johnson, AIA Architect), Alex Gourlay, -13-

(Chairman of the Pritchard Park Task Force), Lou Millin (Realtor), Jonathan Brown (City Seeds non-profit organization) and James Cheeks (former Traffic Engineer).

This resolution is to authorize Genesis Group, Inc. to begin a single contract, two part process to redesign Pritchard Park. The first part of the contract will provide public input opportunities via a public workshop and meetings for individuals and groups with specific interests to meet with the design consultants. Interim designs and a final park design solution will be presented to the public for input and eventually to City Council for approval. The second part of the contract will provide drawing plans, specifications for materials, and construction documents for this final park design. After the contract is signed, Genesis Group Inc. has proposed a five month design process. The construction is expected to be completed by private contractors in July of 1999, prior to the Bele Chere festival . Funds set aside to construct the new park plan consist of a total of \$200,000.

The fees for the execution of the contract include:

Services for public process, final design and construction drawings \$31,410

Reimbursable expenses (Not-to-Exceed) \$ 7,170

Sub-Consultants fees \$25,646

Total Fees for Services \$64,226

The Parks and Recreation Department recommends that authorization be given to the City Manager to enter into this contract with Genesis Group, Inc. for the redesign of Pritchard Park.

Upon inquiry of Councilman Cobb, Councilwoman Field briefly explained the background of why Pritchard Park is being redesigned.

Mayor Sitnick requested that since Adina Goodwin's term on the Tree/Greenway Commission is about to expire, she requested that another member of the Tree/Greenway Commission be involved in this process as a voting member.

When Mayor Sitnick noted that she was contacted by a local group that was disappointed they were not

chosen for this contract, Councilwoman Field explained the procedure noting that the Task Force tried two different times to find someone local, however, for one reason or another they were not chosen.

Mayor Sitnick asked that we try to save the old trees that are in the current park, that the park area resemble the present area as much as possible, and staff begin looking at small spaces in the downtown area to develop a mini-park.

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.

ZEALANDIA BRIDGE

Asheville-Buncombe Historic Resources Commission Chairman Paul Bidwell, referring to the Zealandia Bridge Stabilization report dated July 16, 1998, by the Commission, gave a brief history of the Zealandia Bridge. He urged Council to repair, stabilize and preserve the remaining fabric of this historic bridge.

At 5:25 p.m., Councilman Cloninger left the meeting for a prior commitment.

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Mr. Jody Kuhne, Engineering Geologist with the N.C. Dept. of Transportation and Historic Resources Commission member, reviewed the stabilization report regarding his inspection of the bridge by outlining the current conditions and short and long term recommendations. He felt we should spend a small amount of money to get the structure

cleaned up and then evaluate it realistically.

Mr. Bill Wescott, Structural Engineer, reviewed the stabilization report regarding his engineering opinion and recommended the City spend \$8-10,000 to stabilize the bridge and then secure the necessary funds to preserve it. The \$8-10,000 for Phase I remedial work bid was received by Dean Thorpe, President of Thorpe Construction, who did the Cherokee Wall Restoration Project for the City. His investigations over the last six months show no material from the bridge falling on the road but the hill raveling that is holding up the sides of it.

Public Works Director Mark Combs passed out a chronology of events concerning this bridge dating back to May of 1997. He noted that in June 1997 when Historic Resources Director Maggie O'Connor asked if they could photograph the bridge before any demolition occurs, until February of 1998, when the imminent demolition was advertised, no concerns were raised. And since May 22, 1998, he has not had any response from the Historic Resources Commission until their report was prepared for City Council on July 16, 1998. His concerns are (1) whether the Fire Department can get up there; and (2) there is a public potential safety hazard for people who drive under the bridge.

Mr. Jerry Carter, Professional Engineer with Vaughn & Melton, reviewed his inspection report of the Zealandia Bridge, noting that on May 14 they were contacted by the Street Superintendent to look at the bridge because of concerns of erosion around the bridge and debris falling from it. They were asked what was the most economical solution for the City and the health and safety of the public. Their recommendation to the City was it was more economically to tear it down. They also that due to the age of the structure and possible historic value, the bridge couple possibly be repaired, but not until a more extensive engineering analysis was performed by a group of professionals. The structure, in its entirety, would have to be exposed to allow for testing of all mortar joints, foundations, soil analysis, etc. Geotechnical investigations would have to be performed on the foundation material. The deck would have to be cleared of all trees, vines, etc. in order to allow testing to determine the actual composition and condition of the superstructure. All masonry would have to be repaired and/or replaced. It is their opinion that the structure would have to be torn down

and rebuilt even after a more extensive analysis is performed.

Upon inquiry of Vice-Mayor Hay on the cost, Mr. Combs said that to tear the structure down would be approximately \$5,000 using in-house forces. Mr. Carter said that in their method to shore up the bridge, the \$8-10,000 figure might be reliable.

Mr. Robert Griffin, Architect, read the following letter from the Preservation North Carolina dated July 16, 1998, from Executive Director J. Myrick Howard to Mayor Sitnick: "I am writing to you about the historic Henry's Bridge that the City of Asheville intends to demolish. The bridge, designed by R.S. Smith, was constructed in 1907 as the original entrance to the Zealandia estate. Zealandia is listed on the National Register study list. The bridge is an important example of a stone, self-supporting, arched bridge. Preservation North Carolina supports the Preservation Society of Asheville and Buncombe County and the Historic Resources Commission in their efforts to prevent the demolition of the bridge, and instead to stabilize and eventually rehabilitate it. We encourage the City not to demolish the bridge, but to use the funds reserved for demolition to stabilize this important Asheville landmark. Our Foundation has a revolving fund for endangering historic properties North Carolina. Perhaps there may be a way that a portion of these funds and the balance of your demolition funds could -15-

be used to rehabilitate the bridge. Thank you for your consideration." He said that he would personally be happy to help in fundraising from private sources given the opportunity to stabilize the bridge.

Mr. Harry Weiss, Director of the Preservation Society, also spoke in support of repairing and stabilizing the structure and suggested that the bridge might be used as a greenway link to a possible Beaucatcher Reservoir Park. He suggested a logical source of funding might be ISTEA federal funds because they are for enhancements for transportation related projects, which includes greenways and it has specific uses for historic preservation.

Upon inquiry of Councilwoman Field, Mr. Dean Thorpe said that the \$8-10,000 figure is just to clean the bridge up enough to find what needs to be done to stabilize it.

Mayor Sitnick asked Mr. Griffin to find out from Preservation North Carolina what their funds might provide.

Mr. Griffin said that if the City will spend \$5,000 (from the demolition figure), and there is a bid for \$10,000, he would personally underwrite \$5,000 of it if the City will pick up the other half. City Manager Westbrook said that the City was going to use \$5,000 of in-kind services of salaries and vehicles that we already have. The City does not have a project that is marked for that bridge for \$5,000.

Upon inquiry of Councilman Tomes, Fire Chief John Rukavina said that if the road were to be closed, he would want it closed as short a time period as possible.

It was noted that all of City Council were concerned about liability and public safety. Therefore, it was the consensus of Council to instruct the City Manager to let Public Works determine whether the road needed to be closed on a temporary basis and then have the Public Works staff come back to Council at the August 4, 1998, worksession with information about hiring an engineer to tell us what needs to be done on a temporary basis to make the bridge safe and also an estimate for permanent repair of the bridge.

BRIEFING ON COMMUNITY ORIENTED GOVERNMENT

Ms. Robin Westbrook, Public and Community Information Coordinator, said that Community Oriented Government was established two years ago in Asheville to allow for better access, information, and coordination of city services to residents of this community.

In July 1996, Public and Community Information was developed, in part, to provide coordination for Community Oriented Government activities organized by departments throughout the City. The purpose of these activities is to increase awareness, coordination, and access to services provided by these departments.

The scope of activities provided through Community Oriented Government has increased in number and complexity since it's inception. The programs range from partnering with outside agencies to provide compost bins at reduced rates to citizens to communicating via fax machine with 453 citizens, companies, etc. on a monthly basis to provide news about the Building Safety Department. Many departments have developed unique, specialized programming to meet the needs of our diverse population. She outlined the many departmental accomplishments of departments.

One very successful aspect of Community Oriented Government is the way in which our departments now work together in a comprehensive manner with neighborhoods to address concerns specific to that neighborhood. A successful program that has been initiated as part of -16-

Community Oriented Government is the Neighborhood Matching Grant Program. This program was started to assist neighborhood associations in Asheville with funding for improvements in their communities. It allows qualified neighborhood associations to apply for grants of up to \$2000 to help fund a project that addresses a neighborhood need and improves the quality of life in that neighborhood. Last year, five Neighborhood Matching Grants were awarded totaling \$9,500. In 1998, seven grants were awarded totaling \$11,300. The purpose of this report is to provide City Council with an update on all of the accomplishments that have occurred as a result of Community Oriented Government, including an update of the Neighborhood Matching Grant Program, and an overview of goals that we plan to achieve in the future.

SCHEDULING DATES FOR ROUNDTABLES

Mayor Sitnick asked members of Council to submit ideas for roundtables in the future. She explained the idea of roundtables is to create partnerships and community groups to take on certain projects. The main point of roundtables will be for the public to work on some solutions.

It was the consensus of City Council to hold two roundtables and then evaluate their outcome. The first Mayor's roundtable is on litter on Thursday, August 20, 1998, at 7:00 p.m. in the Public Works Facility. It was the consensus that the second roundtable will be held on Thursday, November 19, 1998, with the topic to be determined at a later date.

Discussion surrounded the need for a public hearing on the I-26 corridor. It was the consensus of Council to invite the N.C. Dept. of Transportation to a worksession to update Council on the status of the I-26 project and then possibly hold a public hearing.

DISCUSSION OF CITY COUNCIL MID-YEAR RETREAT

It was the consensus of City Council to hold a mid-year retreat and that a paragraph summary of the Water Agreement, Airport Agreement, Transit Agreement and the Sewer Agreement be reviewed in order to begin the process to make sure that the agreements are in the best interest of the citizens of Asheville. City Council also decided to discuss the status of the ten City Council goals at the mid-year retreat.

Possible dates for the retreat include August 21, August 28, September 11, September 18 and September 25, 1998. The suggested retreat location is the Kellogg Facility near Hendersonville, North Carolina.

City Manager Westbrook said that he would send out a memorandum to all Council with a list of the possible dates and then announce the date most convenient for the majority of Council.

DISCUSSION OF SEXUALLY ORIENTED BUSINESS REGULATION

City Attorney Oast said that this is the consideration of a temporary moratorium on sexually oriented businesses in the City of Asheville.

On April 14, 1998, Council adopted an ordinance amending the UDO to temporarily converting adult establishments from use by right, subject to special requirements, to conditional uses. This is done in order to help preserve the status quo while Senate Bill 452 was being considered in the North Carolina General Assembly. You may recall that SB 452 was designed to return a measure of control over adult businesses to local governments. This bill has now been passed by both houses of the General Assembly and was sent to the Governor for signing on July 9. -17-

Our temporary ordinance has a self-executing expiration date of 30 days after SB 452 becomes law. This means that the ordinance will expire in early August, and adult establishments will revert to uses by right, subject to special requirements. Accordingly, Council should consider taking some action soon.

One of the features of the new law is that it permits the enactment of a temporary moratorium of reasonable duration in order to preserve the status quo while appropriate studies are conducted and the scope of potential regulations is deliberated.

Under the prior law, the primary means of regulating adult establishments, including the adoption of moratoria, was through the zoning ordinance. Any zoning ordinance or amendment requires consideration of the proposed ordinance by the Planning Commission, notice and a public hearing. Recent North Carolina case law suggests that adult establishments may be regulated under the general police power, and the new law codified this. Accordingly, in order to enact a moratorium under the new statute, neither consideration by the Planning and Zoning Commission nor a public hearing are statutorily-required procedures.

The types of regulations that the new law permits a city to consider include: (a) clothing restrictions; (b) registration and disclosure requirements for owners and employees; (c) limits on hours of operation; (d) exterior advertising; and (e) age restrictions; among others.

With those things in mind, it appears that a moratorium may provide the City with the necessary "breathing space" to do the appropriate studies and draft some proposed regulations. Six months is probably a reasonable time to complete this work, and extensions are possible. Although a public hearing is not required, it may be advisable to schedule one in order to avoid due process-based challenges as much as possible.

Adoption of a general moratorium on sexually-oriented businesses or adult establishments located within the jurisdiction, and direct staff to report to Council before the end of the year with proposed new regulations. It is also recommended that a public hearing be held in connection with the adoption of such a moratorium.

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 & COMMITTEES

Vice-Mayor Hay reported on the Airport Authority meeting and requested Council's consideration of appointing LaVerne Laney to the Future of the Civic Center Task Force.

Mayor Sitnick congratulated Vice-Mayor Hay and Civic Center David Pisha for the work they did at the Civic Center to receive national recognition in the magazine "Performance".

Councilwoman Field reported on the Metropolitan Sewerage District Board meeting.

Mayor Sitnick report on the WNC Regional Air Pollution Control Board meeting. It was the consensus of Council for the Mayor to write, on behalf of City Council, a letter to the Chair of the Board and the head of the agency expressing disappointment and chagrin over the process of choosing the Chair, the choice of the Chair, and the fact that Asheville was eliminated from the field because of whatever personal problems they were having.

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ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 7:45 p.m.

CITY CLERK MAYOR
