

Continued Meeting from November 28, 1989

Monday - December 4, 1989 - 4:00 P.M.

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, and Russell Martin; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk

William F. Wolcott, Jr.

Absent: Councilman A. Robert York

INVOCATION

The invocation was given by Councilman Martin.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Ordinance No. 1801 - Third reading of ordinance

amending Article 9. Sign Regulations of the Code of Ordinances of the City of Asheville.

Mayor Bissette said the Asheville Planning and Zoning

Commission on September 27, 1989 moved to forward their recommendations to City Council in the form of an addendum along with the complete, unabridged text of the Asheville Sign Commission's "Draft Sign Ordinance". A public hearing was held on the proposed Sign Regulations on October 24, 1989. This ordinance was read on first reading on November 7, 1989 and on second reading on November 14, 1989 with amendments.

Mayor Bissette said the final version of the Sign

Ordinance has been distributed to members of Council

and available for public review since Friday afternoon.

The City Manager reviewed the following report relative

to sign administration:

MEMORANDUM TO: Mayor Bissette and Members of City Council

FROM: Douglas O. Bean

City Manager

DATE: November 28, 1989

SUBJECT: Sign Administration

Upon the adoption of a new sign ordinance, the staff is prepared to begin administration of a comprehensive sign

program. This program will include not only enforcement of the newly adopted ordinance, but will also include a number of activities designed to deal with governmental signage. Our program for sign administration is generally as follows:

SIGN SURVEY - It is important that immediately upon adoption of the new ordinance that a comprehensive sign survey be undertaken. All signs will be inventoried and data will be collected on the size, height, setback, etc. It is anticipated that it will take approximately six (6) months to do the field work at a cost of approximately \$40,000. As the field work is being completed, all of the information needs to be entered into a computer so that it can be readily available and kept current. The cost for data entry and a computer system is approximately \$20,000.

ENFORCEMENT COSTS - In order to adequately enforce a new sign ordinance we estimate that there will be an annual operating cost of approximately \$54,000. In the present year's budget we have a position for another enforcement officer. Rather than giving the entire sign enforcement duties to one individual, however, it will be divided among all of the zoning enforcement officers with one being designated as the Sign Enforcement Officer.

Not included in this budget are additional legal fees. On a continuing basis we feel that we need a part time paralegal to work on sign violations. Even though a paralegal is only needed part time in this department, we feel that a full time individual could be utilized for other civil processes that we have within the City. We anticipate that we can evaluate all of our needs during the coming budget preparation for a paralegal and budget the appropriate full or part time expenses in the 1990-1991 annual operating budget. Also not included in the enforcement budget are any legal fees incurred from defending law suits brought against the ordinance.

GOVERNMENTAL SIGNAGE - A committee consisting of city staff and a representative from the Streetscape Task Force has been meeting on the issue of governmental signage. A final report should be completed and a recommendation should be before the Council in early January from the Downtown Commission. This committee has been charged with looking at both design and location of governmental signage in the downtown and on major arteries. Specifically, a standard design with a City logo is envisioned for identification of attractions and parking. New street signs are also being designed to give a standard look for City signs. In addition, beginning in the downtown area a block by block comprehensive look at all governmental signage will be undertaken with the goal of eliminating and consolidating as many signs as possible using design guidelines.

STREET NUMBERS ON BUILDINGS - It is a requirement of the City code that all buildings have an easily identifiable street number. The Fire Department has been working over the past year to ensure compliance with this requirement. To date, all businesses at the time of their annual inspection were notified of any violations. During the coming year, should a violation be noted at the annual inspection, citations will be issued.

All apartments have also been notified by fire companies during their pre-fire planning. Fire inspectors are following up on any apartment buildings that do not have a street number, and during the coming year, citations will be issued to those who are in noncompliance.

There has been a mass mailing in the water bills informing businesses and home owners of the necessity of having a street number. Beginning in January, fire companies in their district will be going door to door to inform people of the need to have a house number displayed. Within the next twelve months all residents will have been contacted about this requirement.

FEES AND CHARGES - Based on our estimated cost of administering the sign ordinance, we feel that a permit fee of \$2.03 per square foot would provide us with a 100% cost recovery. The Sign Commission recommended that the fee schedule be changed from the current schedule that charges based on the estimated cost of the sign, to a square footage basis. Since there is not adequate documentation on sign costs, using square footage as the basis for a permit is much easier to administer. Using a square footage cost the maximum fee for a 300 square foot sign would be \$609.00. Based on the current schedule, a 300 square foot billboard costing approximately \$20,000 would have a fee of \$150. As we calculated the actual fee for other signs we found that some of the smaller signs would see a reduction in fee and most other signs would see a moderate increase. The fee schedule is

not in the ordinance but will need to be adopted as an amendment to the City's Fees and Charges manual which is

reviewed on an annual basis.

Patsy Brison, Staff Attorney, reviewed the recommended technical changes to the proposed Sign Ordinance.

Councilman Price moved to amend Ordinance No. 1801 to

reflect the changes outlined by the Staff Attorney. This motion was seconded by Councilman Frank and carried unanimously.

The following additional people spoke "for" or

"against" the proposed Sign Ordinance:

Against

Kim Walker, Naegle Outdoor Advertising Company

Albert Sneed, Attorney for Summey Outdoor Advertising

William Lindsey, Shoney's Rest.

Bob Lawrence - 265 Broadway Avenue

Mike Summey - Summey Outdoor Adv.

David Shulman

Jerry Hobbs - Auto Haus of Asheville

Colin Hudson

John Stewart - Building Contractor

Curtis Shoaf- Skyland Oldsmobile

Ed Shoaf - Skyland Oldsmobile

Jerry Sternberg

George Morosani - local businessman

Frank Graham, Attorney for Naegle Outdoor Advertising Company

and member of Sign Commission

Bill Fishburne - ComputerLand

Wayne Kinser - Hilton Inn

Doug Penland - Enka Portable Sign Company

Robert Jolley - Asheville Business Leaders Association

For

Jerry Grant - Member of Sign Commission

Roger McGuire - 60 Haywood Street

Richard Coleman, Jr. - Asheville Mall

Sonya Fredrick - College and Charlotte Street

Jack Cecil - Biltmore Company

Dr. Steve Davis - 16 Chiles Avenue

Robert Carr - 370 Midland Drive

Shirley Birdie - League of Women Voters

Linn Brown - 62 Macon Avenue

Elaine Taylor - 4 Maplewood Parkway

Phil Carson - Attorney - 72 Patton Avenue

Lennie Sitnick - Gertrude Place

Steve Henry

Mike Moser, Chairman of the Planning and Zoning Commission, said he felt Council has a moral obligation to adopt a procedure for notifying sign owners and property owners of nonconforming uses or structures. He requested that Council adopt a resolution as recommended by the Commission to this effect. He also requested that Council delete the following provisions in the proposed Sign Ordinance from the "draft dated 12/4/89-2"; Page 24 - Item (c); Page 33 - Item (c) and (e); and Page 10 relative to Delivery Signs. He said an incentive plan should also be adopted.

After discussion, Vice-Mayor Michalove moved to amend Ordinance No. 1801 - Section 30-9-4 (B) to read as follows: "B. Portable or Moveable Display Signs erected on or after July 31, 1990. Between the effective date of this Article and July 31, 1990, portable or moveable display signs shall be allowed in Commercial Service, Commercial Highway, Light Industrial and Heavy Industrial zoning districts for no more than thirty (30) consecutive calendar days during any ninety (90) day period. Following the expiration of said ninety (90) day period which shall begin with the date specified on the appropriate sign permit, subsequent temporary sign permits may be applied for and issued. The size of the sign shall be limited to fifty (50) square feet per face and only one (1) sign shall be allowed per lot for single tenant development and only two (2) signs shall be allowed per lot for multiple tenant development." and that Section 30-9-10 Nonconforming Signs (B) paragraph 5 and 6 be amended to read as follows: - Paragraph 5 - "All portable and moveable display signs (and their sign structures) which are made nonconforming as a result of the passage of this Article or from the passage of an amendment to this Article, or the official zoning map, shall be removed on or before October 30, 1990." - Paragraph 6 - "All temporary signs (and their sign structures) which are made nonconforming as a result of the passage of this Article or from the passage of an amendment to this Article, or the official zoning map, shall be removed within ninety days (90) of the effective date of this Article." This motion was seconded by Councilman Martin and carried unanimously.

Vice-Mayor Michalove requested that the City Manager complete the sign survey and notification process within six (6) months.

On a roll call vote of 6-0, Ordinance No. 1801, as amended passed on third and final reading.

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Vice-Mayor Michalove moved to amend the Fees and Charges Manual to reflect the following Fee Schedule for Sign

Permit Fees:

Fee Schedule

\$1.50 per square foot of signage, minimum \$25.00

Temporary Sign - \$10.00

Re-inspection fee - \$25.00 for each re-inspection

Late fee - 2 times the specified fee

The above fees do not include electrical permit fees, which shall be in addition to the above.

This motion was seconded by Councilman Price and carried
unanimously.

IV. NEW BUSINESS:

V. CONSENT:

VI. OTHER BUSINESS:

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 7:30 p.m.

MAYOR CITY CLERK
