

Tuesday - August 6, 1996 - 3:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

AIRPORT PROPERTY

City Attorney Slawter said that the City has recently received a proposal from Omega Food Services, Inc., operators of Burger King restaurants, regarding leasing a portion of property owned by the City along Airport Road.

The City owns property along Airport Road on the opposite side of the road from the Airport. In recent years, several proposals have been made by private developers to either purchase or lease on a long-term basis portions of that property. The two parcels which are of primary interest to potential developers are a 0.72 acre tract located between the J&S Cafeteria and Airport Road and a 0.98 acre tract located between the Fairfield Inn and Airport Road. The 0.72 acre tract is located north of the private drive leading into Fairfield Inn and J&S. The 0.98 acre tract is located south of that private road. Neither of the parcels adjoins the private drive leading into Fairfield Inn and J&S. The developers of Fairfield Inn and J&S own property on either side of the private drive and permission would be required from them in order for the City or a developer to use that private drive for access to Airport Road. In the alternative, direct access to Airport Road might be allowed by N.C. Dept. of Transportation.

The 0.72 acre tract is totally owned by the City, however, the 0.98 acre tract was acquired as part of an airport grant and it does require FAA concurrence with part of the proceeds going to the Airport.

In 1994, the City obtained an appraisal of the two parcels. The appraisal indicates a total value of \$254,000 for the 0.72 acre parcel (\$24,600.00 annually for rental) and a value of \$346,000 for the 0.98 acre parcel (\$33,600.00 annually for rental). The appraisal is more than two years old and the property would therefore likely appraise for more today.

The proposal is for a long-term rental (20 years with 3 five year options) with an initial rental of \$30,000.00 per year for the 0.72 acre site or \$36,000.00 per year for the 0.98 acre site. There is also a 10% annual increase adjusted at the end of each five year period.

Since the last appraisal was done in March of 1994, the City Attorney's Office recommends that the appraisal be updated. After an updated appraisal is received and the offer is still in line with the appraisal, the City could then proceed with the upset bid process.

Councilman Hay, liaison to the Airport Authority, said that he would like to get the Airport Authority's input into this issue also.

Vice-Mayor Field moved to authorize the City Attorney to obtain an update of the appraisal. This motion was seconded by Councilman Skalski and carried unanimously.

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Mayor Martin asked Councilman Hay to review this matter with the Airport Authority and bring back their recommendation to the Council.

UDO UPDATE

Councilman Worley said that on July 16, 1996, the Council UDO Committee presented their policy issues and the recommendations of the UDO Advisory Committee for review by the full Council. He stated that the votes reflected today will only be giving staff direction to complete wording for the Unified Development Ordinance ("UDO"). That draft ordinance will then go the Planning & Zoning Commission for their review and public hearing and then back to the City Council for their review and public hearing. He stressed again that the actions taken today are not final, they are only directions to staff.

The following is a summary of the directions given to staff:

1. WHO SHOULD HAVE AUTHORITY TO INITIATE REZONING REQUESTS?

City Council voted (6-1, with Councilman Skalski voting "no") to allow property owners, Planning & Zoning Commission, Planning staff, City Council, and 51% of the property owners in an area who own at least 51% of the property in the area (by petition) to initiate a rezoning request.

Councilman Skalski felt that business owners should also have authority to initiate rezoning requests.

2. SHOULD MEETINGS BETWEEN THE DEVELOPER AND NEIGHBORHOOD RESIDENTS BE REQUIRED OR RECOMMENDED EARLY IN THE REVIEW PROCESS?

City Council voted (7-0) to strongly recommend meetings between the developer and neighborhood residents early in the review process.

Ms. Leni Sitnick spoke about the benefits of early meetings with the developer and neighborhoods and urged Council to find something stronger than to just "strongly" recommend meetings.

3. WHO SHOULD BE NOTIFIED OF PROPOSED PROJECTS?

City Council voted (6-1, with Councilman Skalski voting "no") to require notification of owners of property located within 400 feet of proposed Level II and Level III projects, to post the property, and to notify the contact person(s) for the neighborhood(s) in which the project is proposed.

Councilman Skalski felt that there was not enough communication in the notification process.

Ms. Ann Campbell felt that the 400 feet notification area is not sufficient and that 14 days is not enough time to get a neighborhood meeting organized for input into a proposed project.

4. SHOULD THE DEFINITION OF USABLE OPEN SPACE EXCLUDE LAND WITH A SLOPE IN EXCESS OF 33% OR A SLOPE IN EXCESS OF 50%?

City Council voted (7-0) that areas with slopes in excess of 33% account for no more than 50% of the required open space.

Staff was directed to research other ways to encourage the protection of steep slopes.

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5. SHOULD BED AND BREAKFAST ESTABLISHMENTS BE PERMITTED IN ALL RESIDENTIAL DISTRICTS?

City Council voted (6-1, with Councilman Skalski voting "no") to prohibit Bed & Breakfast's in all single family districts and to permit them in all multi-family districts, with restrictions governing spacing, size, parking, activities, etc.

Staff was also directed to develop language on the smaller and larger Bed & Breakfasts and where they will be allowed.

Even though Councilman Cloninger was in agreement with this language, he did suggest prohibiting Bed & Breakfasts in all single family districts and permitting them in only the RM8 and RM16 multi-family districts, with restrictions governing spacing, size, parking, and activities.

Councilman Skalski said that he was in favor of permitting Bed & Breakfast's in all residential districts, with reasonable standards for their development.

6. SHOULD ACCESSORY APARTMENTS BE PERMITTED IN ALL RESIDENTIAL DISTRICTS?

The City Council voted (7-0) that accessory apartments be permitted with restrictions in all residential districts. The recommended restriction on size is 500 sq. ft. or 25% of the floor area of the principal structure, whichever is greater.

7. SHOULD SPECULATIVE GRADING BE PERMITTED?

The City Council voted (7-0) to instruct staff to define speculative grading. The draft language should allow speculative grading, with pre-development requirements for erosion control, buffer planting around the perimeter of the site and street trees along the street frontage. Language is also to include City Council authority to prohibit some speculative grading.

Vice-Mayor Field strongly supported a person's right to do what they want on their own property. She also supported strong requirements on pre-development grading.

Mayor Martin and Councilman Worley felt that speculative grading should be allowed, with certain restrictions.

Councilmen Cloninger and Hay felt a specific definition of speculative grading was necessary.

Councilman Skalski felt that if you speculatively grade the land you could be destroying the property values of others in the area.

Ms. Jane Mathews, Planning & Zoning Member and architect, said that the topography of the mountains should be considered when grading. She suggested a special exception for cut and fill situations.

Mr. H.K. Edgerton said that if Council prohibits speculative grading, it will have a potential impact on a project going on at the river.

Mr. Don Noakley, representing the Asheville Board of REALTORS, said that under the UDO, as currently drafted, grading or filling property is subject to the restrictions imposed by grading permits, soil

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erosion and sedimentation control, buffering, tree and landscape requirements, floodplain restrictions, and stormwater runoff provisions. He felt these controls are adequate to protect the environment and satisfy the esthetic desires of most people. He said that in the hilly and mountainous terrain of our area, planned projects usually require either cutting into a hill or filling a low area or both. If the project requires cutting and digging out dirt, the removed materials needs to be put somewhere - the filling of the other property would be speculative grading. The Asheville Board of REALTORS recommends that speculative grading continue to be allowed.

Mr. Richard Nantelle, President of the Coalition of Asheville Neighborhood, felt that penalties should be imposed on those who misuse speculative grading.

Mr. George Morasani agreed that irresponsible speculative grading is bad for the City. He suggested Council allow speculative grading to continue and if a problem occurs, then the issue can be revisited. He urged Council not to penalize the responsible developers and graders.

Mr. Carl Ricker, developer, asked for Council to support allowing people to use their property as they wish. He urged Council to let them prepare their properties so they can market them.

Councilman Cloninger felt that there are circumstances where speculative grading should be allowed, however, Council needs to reserve the right under some circumstances not to allow it.

Ms. Leni Sitnick felt that speculative grading needs to be very specifically designed. She felt that all requirements should be balanced between the homeowners and developers. She suggested the use of computers to visualize the property.

Mr. Philip Garland, grading contractor, felt there were already many requirements for graders now. He also felt there were not enough employees to enforce erosion control.

Mr. Winston Pulliam, local developer and Vice-Chairman of the Buncombe County Economic Development Commission, said that most people looking to build industry want lots that are ready to be built on. He felt this is a property rights issue.

8. SHOULD GRADING BE PERMITTED IN THE REQUIRED BUFFER AREA?

The City Council voted (6-1, with Vice-Mayor Field voting "no") to allow grading in the buffer, with the requirement that the a strip with a minimum width of 15 ft. be left undisturbed along the side and rear property lines for sites over one (1) acre or trees and shrubs 50% larger than normally required be planted in the buffer.

Vice-Mayor Field supported grading in the buffer for specific reasons, but asked for language on how to protect tree roots that may be damaged during grading, especially if the tree is located on someone else's property.

Ms. Leni Sitnick suggested City Council call upon the Tree/Greenway Commission for assistance in this area. There are ways to protect trees during construction. She said there was information available on how not to harm tree roots while grading.

9. SHOULD THE GROUP DEVELOPMENT REVIEW PROCESS, WHICH REQUIRES REVIEW OF MAJOR

PROJECTS BY P&Z AND CITY COUNCIL, BE RETAINED?

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The City Council voted (6-1, with Councilman Skalski voting "no") to eliminate the group development review procedure and to authorize staff to approve major projects (public notification is required for these projects). Significant projects would be subject to public hearings before the Planning & Zoning Commission and City Council.

The following are the three levels of project review:

Level I

Review and approval by staff with no public notification;

Similar to existing small project review procedure;

Following projects would be in this category:

Residential: 3-7 units

Office/Institutional: 0-25,000 square feet gross floor area

Commercial: 0-35,000 square feet gross floor area

Industrial: 0-100,000 square feet gross floor area

Level II

Review and approval by Technical Review Committee ("TRC")

Surrounding property owners would be notified

Public comments accepted at TRC meeting

Appeals to the Planning & Zoning Commission

Following projects would be in this category:

Residential: 8-150 units

Office/Institutional: 25,000-200,000 square feet gross floor area

Commercial: 25,000-200,000 square feet gross floor area

Industrial: over 100,000 square feet gross floor area but less than 30 acres or more than 500 employees

Level III

Review and recommendation by TRC

Approval by City Council

Notification of surrounding property owners

City Council conducts public hearing as part of approval

Following projects would be in this category:

Residential: more than 150 units

Office/Institutional: more than 200,000 square feet gross floor area

Commercial: more than 200,000 square feet gross floor area

Industrial: more than 30 acres or more than 500 employees

Councilman Worley stressed that Council is keeping the public input in the process, but changing the way they are involved in that process. This is only a shifting of the area where the public is involved and he felt it was a more favorable shifting.

Councilman Skalski felt that this did not allow any flexibility on an on-going basis and that it doesn't allow all the multiple inputs that are necessary to determine whether a certain piece of property is right for that development.

At the request of Vice-Mayor Field, Mr. Gerald Green, Senior Planner, explained the relationship of the 2010 Land

Use Plan and the UDO. He explained that the 2010 Plan is the planning document and the UDO is the tool and regulation which will be used to serve the 2010 Plan.

Planning Director Julia Cogburn noted that everything in the UDO will have to be done in accordance with the City's 2010 Plan.

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Mr. Leni Sitnick read a passage from Section 30-1-2 of the Code of Ordinances where language is clear that the land use plan is comprehensive.

Staff was instructed to draft language that gives the City Council the ability to turn down a project. If they have no authority to deny a project, then it is useless for them to review it.

10. SHOULD DEVELOPERS BE REQUIRED TO CONSTRUCT SIDEWALKS ALONG PUBLIC STREETS AND TO DEDICATE OPEN SPACE?

The City Council voted (7-0) to recommend that developers be required to construct sidewalks (with flexible standards) for all non-residential developments, multi-family residential developments with more than 10 units, and single family development with more than 20 - 40 homes or lots. Open space would be required for all multi-family residential development, single family development with more than 20 lots/homes, and all other uses exceeding 50,000 square feet of gross floor area.

Ms. Leni Sitnick encouraged the use of pervious materials in not only walking and bike trails, but to diminish stormwater runoff.

11. SHOULD AN ADDITIONAL COMMERCIAL DISTRICT BE PROVIDED WHICH WOULD PERMIT MODERATE SIZE COMMERCIAL DEVELOPMENT?

The City Council voted (7-0) for the creation of a Community Business II district with a maximum building size of 45,000 square feet.

12. SHOULD DUPLEXES AND QUADRAPLEXES BE PERMITTED IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS AS RESTRICTED USES? (RESTRICTIONS WOULD ADDRESS DESIGN AND SPACING)

The City Council voted (7-0) that duplexes be permitted as a restricted use in all single family zoning districts and, additionally, that triplexes and quadraplexes be permitted as restricted uses in the high density single family district.

Ms. Beth Maczka, Director of the Affordable Housing Coalition, voiced concern about the restrictions, in particular the spacing requirements for quadraplexes.

A resident of Kenilworth stated that Kenilworth has a wide range of housing options and is an excellent example of an area that mixes different housing in with existing structures.

It was the consensus of Council to look at making the spacing requirement for quadraplexes less restrictive.

Mr. Jim Barrett, Executive Director of Pisgah Legal Services, noted that in order to adhere to Asheville's Fair Housing Plan, Council should be aware that some restrictions may affect affordable housing. He said that if you are going to develop affordable housing, you need to have more units in a building.

Mr. Richard Nantell felt that some restrictions are necessary for development of neighborhoods. He said that some latitude should be considered in redevelopment areas where there are a number of lots that can be considered for this type of housing.

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Mr. David Jones, Executive Director of the Housing Authority, wanted to make sure that the City meets fair housing needs. He noted with the lack of land we need to be prudent on how we develop it.

Staff was instructed to revisit the restrictions on spacing and lot sizes.

At 5:50 p.m., Mayor Martin announced a 10 minute recess.

The following is a summary of the directions given to staff with regard to the Advisory Committee recommendations:

1. TREATMENT OF TRANSITION AREAS

City Council voted (7-0) that a model Transition Overlay District be included in the UDO, with a procedure for revising the standards to meet the specific needs of each transition area.

2. OFFICE AND INSTITUTIONAL DISTRICTS

A. City Council voted (7-0) to reduce the width of the transition area in the Institutional District to 100 feet.

B. City Council voted (7-0) to increase the maximum building height in Office District to permit a maximum height of four (4) stories, but not to exceed 60 feet.

C. City Council voted (7-0) to permit a broader range of uses in the Office and Institutional Districts to permit flexibility in development, but limited enough to maintain the intent of the districts.

3. RIVER DISTRICT - USE OF YARDS

City Council voted (7-0) that parking be prohibited in the front yard, as it is in other districts with a minimal front yard requirement.

Staff was instructed to look at a flexible River Resource Yard (perhaps a minimum of 15-20 feet) based on lot depth.

4. LANDSCAPING AND BUFFERING STANDARDS

A. City Council voted (6-1, with Councilman Skalski voting "no") to have requests for alternate compliance heard by the Technical Review Committee ("TRC"), with the addition of one Tree/Greenway Commission member added to the TRC.

B. City Council voted (7-0) to buffer yard widths of 15', 20', 25', & 30'.

C. City Council voted (7-0) to not require buffers between single family residential uses; and

D. City Council voted (7-0) to permit posting of a bond or other form of surety to guarantee installation of landscaping.

It was the consensus of Council to instruct staff to review landscaping requirements of other cities in order to make Asheville's standards brought up to date.

5. SIMPLIFICATION OF THE REVIEW PROCESS

The City Council voted (7-0) to instruct (1) staff to review the text describing the Downtown Design Review minor work review process for opportunities to simplify the text without impacting the description;

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(2) staff revise the UDO to emphasize the simultaneous review of permit and development applications; and (2) staff to investigate the feasibility of combining zoning and building permits.

6. MAJOR DEVELOPMENT REVIEW

The City Council voted (7-0) that significant projects (residential over 150 units; office, institutional, and commercial over 200,000 sq. ft.; and industrial more than 500 employees or more than 30 acres) be reviewed by City Council.

Staff was instructed to (1) draft language in which the Council can deny approval of projects, and (2) look at the thresholds to make sure they are reasonable.

7. PROVISION FOR PRIVATE STREETS

The City Council voted (6-1, with Councilman Worley voting "no") that all residential lots be required to abut a public street, with a range of street design standards developed related to number of lots served.

Councilman Worley felt that this was too strict of a requirement to require residential lots abut a public street.

Staff was instructed to draft language to allow a variance or modification request on a case by case basis.

8. SIDEWALK AND OPEN SPACE REQUIREMENTS

This issue was addressed as a policy issue.

9. TIMELY RESPONSE TO PERMIT APPLICATIONS

The City Council voted (7-0) that deadlines be reinforced for review and response for all development permit applications and for making decisions on the applications by providing for the refunding of permit fees if a complete permit application is not acted upon within the time limit set by the UDO.

10. MAPPING OF GENERAL USE DISTRICTS

The City Council voted (7-0) to endorse the mapping (rezoning) procedure, which is currently being used by the staff. It was recommended that the mapping of the new districts be referred to as rezoning in an effort to generate interest in this element of the UDO.

Upon inquiry of Vice-Mayor Field about giving staff guidelines on the mapping procedures, Councilman Worley said that the Council UDO Committee is going to reconvene to look at that issue and suggested waiting until the Committee brought back their recommendations before voting on this particular issue.

11. AMENDMENTS TO ADMINISTRATIVE REQUIREMENTS

The City Council voted (7-0) to not include three amendments to the administrative requirements addressing interpretation of the ordinance; ability of staff and board/commission members to inspect project sites; and the right of "aggrieved property owners" to recover substantial fees from the city.

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12. DEFINITION OF BUILDING HEIGHT

The City Council voted (7-0) to encourage working with the topography and that it did not penalize a builder or developer for including a basement and it also encourage pitched roofs as opposed to flat roofs, since the roof was not calculated in determining building height.

DODGE STREET AREA REZONING REQUEST

Ms. Erin McLoughlin, Urban Planner, said that the Planning staff has received a request to rezone 23 parcels in the Dodge Street area from CS Commercial Service, HI Heavy Industrial, and R-3 Medium Density Residential to R-1A Single Family, Moderate Density Residential.

Planning staff has received a petition requesting a zoning study of 23 parcels (approx. 6.72 acres), that the petitioners wish to change to R-1A. Of the 23 parcels 1 is zoned CS (commercial service), 5 are zoned HI (heavy industrial), and the remaining 17 are zoned R3 (residential - medium density). The lots being considered for the rezoning are contiguous and border both the east and west side of Dodge Street, a neighborhood just south of the Biltmore Village Local Historic District. The requested R-1A zoning is a single family moderate density district. The current land use appears to be predominately single family houses on small to mid size lots.

The petition meets all requirements to be considered valid.

Ms. Teri Calloway, President of the Reed Neighborhood Association, urged Council to rezone this area to maintain the current family per acre density in

their neighborhood ensuring stability and safety. She noted that the area already has a mix of housing and they do not want the quadraplex proposed to be built by the Housing Authority in that area due to the following reasons: (1) the streets are already so narrow they cannot take anymore traffic; (2) there are no sidewalks and the pedestrians have to walk in the road; (3) the street has to be cleared on Thursdays at City directive so the Sanitation Division can get through for trash pickup; (4) Dodge Street is paved to a width of 1 feet and the visibility of two blind corners do no comply with Section 30-3-10 of the Code of Ordinances; (5) the proposed Housing Authority site is too small to provide adequate off-street parking for so many residents; (6) property values need to be preserved; (7) five homeowners in the area are falsely zoned as HI Heavy Industrial; and (8) there are no traffic lights at key intersections in the area.

Planning Director Julia Cogburn responded to a question from Vice-Mayor Field concerning spot zoning.

Upon inquiry of Councilman Sellers, Ms. Cogburn stated that an application has been received by the Housing Authority for their development in the area, but no permits have been issued.

Mr. David Jones, Executive Director of the Housing Authority, said that the Housing Authority owns the site, they comply with applicable laws, they have money for the construction, the structure will be well designed and it will blend into the neighborhood. The unit will provide affordable housing for four families and there will be off-street parking for eight vehicles. He didn't feel that the unit will disrupt the tranquillity and traffic in the neighborhood.

Upon request from a resident in the area, Mr. Jones explained the issue about a property swap with Dr. Chambers. Mr. Jones said that

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there was nothing magic about the Yorkshire site and as a result of this "swap" he was able to further his objective in that he could spread more units out.

A resident in the area said that because of the traffic problems on Dodge Street, the neighborhood is willing to accept a single family home or a duplex, but the street cannot handle the additional traffic that will be generated by a quadraplex.

Upon inquiry of Councilman Sellers, Ms. Cogburn said that if Council decided to instruct staff to proceed with a rezoning study in this area, it would be presented to the Planning & Zoning Commission at their September or October meeting and then it would have to come back to the City Council for a public hearing.

Councilman Worley said that if the Housing Authority project meets all the City's standards, the project would be approved. Even if Council rezoned this area, the Housing Authority project could not be stopped.

Ms. Leni Sitnick read an excerpt out of Section 30-1-2 which she felt gave Council authority to deny a project.

A resident in the area invited Council to drive on Dodge Street to see just how narrow the street is.

Ms. Beth Maczka, Director of the Affordable Housing Coalition, voiced concern about how neighborhoods are requesting rezoning studies to keep affordable

housing out of their community. Every neighborhood should be allowed to have in-fill housing and the proposed 4 units should be low impact for the neighborhood.

Ms. Jane Mathews, member of the Planning & Zoning Commission, suggested the Housing Authority meet with the neighborhoods when proposed units are being considered. Mr. Jones responded that he has met with the neighborhoods many times but the outcomes are always the same - they don't want units built in their neighborhoods. He did say that he would be glad to sit down with the Coalition of Asheville Neighborhoods and discuss their future plans.

Mr. Jones responded to questions from Councilman Sellers regarding how many units the Housing Authority currently has, how many units are rented and if there is a waiting list.

Mr. Jim Barrett, Director of Pisgah Legal Services, cited different sections out of Asheville's Fair Housing Plan stating that we should encourage multi-family housing in scattered areas.

When Councilman Sellers asked if Dodge Street could be widened, it was noted that the property owners would have to give up some of their land in order for that to happen.

Mr. Jones answered questions from Councilman Skalski regarding the cost of the unit and the Housing Authority's endorsement of home ownership.

Councilman Worley felt that Council should not proceed with the rezoning study for two reasons. One is that the rezoning cannot not keep the Housing Authority from building the unit; and (2) staff time will be taken away from the completion of the UDO. He felt that this area will more than likely be rezoned as a result of the UDO mapping in the spring.

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When Councilman Skalski asked the neighborhood if they still wanted to proceed with the rezoning study even though the Housing Authority will be allowed to build in their area, they responded that they would like to proceed with the study. Therefore, Councilman Skalski moved to instruct Planning staff to proceed with a rezoning study of this area to R1-A. This motion was seconded by Councilman Sellers and failed on a 2-5 vote, with Mayor Martin, Vice-Mayor Field, and Councilmen Cloninger, Hay and Worley voting "no".

Vice-Mayor Field asked that the City's Traffic Engineer visit the neighborhood and see if he has any suggestions to alleviate the traffic concerns. She said that if people are willing to give the City an easement, maybe the road could be widened from 16 feet to 18 feet.

EAGLE/MARKET STREETS DEVELOPMENT CORPORATION CONTRACT

Ms. Willie Brown, member of the Eagle/Market Streets Development Corporation, corrected information printed by the newspaper regarding the hiring of the Project Coordinator for the Eagle/Market Streets Development Corporation ("EMSDC").

Councilman Hay, Chairman of the Housing and Community Development Committee ("Committee"), said that City Council has approved \$185,688 CDBG funds from 1996-97 program year for the EMSDC to facilitate redevelopment of the South Pack Square area. The contract includes the balance of funds in the amount of \$52,506 currently in the account, for a total of \$238,194. Recent amendments have taken place to the contract and it was his suggestion that Council let the

Committee review the contract prior to placing the matter on the formal agenda for August 13, 1996.

ESTABLISHMENT OF CITY BUSINESS & DEVELOPMENT COMMISSION

Ms. Julia Cogburn, Planning & Development Director, said that the Business District Coalition has recommended a draft ordinance establishing a City Business and Development Commission for the City of Asheville.

Several months ago the City Council recommended that the operations of the current City Development Office be expanded to encompass a broader range of business and development issues. In making this resolution, City Council proposed that the existing Business District Coalition be formalized and its membership be broadened to become a body which makes recommendations to Council on business and development issues. The Business District Coalition, on May 16, 1996, voted to recommend this ordinance to Council which establishes a City Business and Development Commission.

Vice-Mayor Field said that she had no problems with the ordinance or the name of the Commission, however, she felt strongly that we continue the growth in the downtown area and was concerned about the lack of focus in the downtown area. She urged Council to not change the name on the door that presently states "City Development."

Councilman Cloninger strongly supported the work of the Business District Coalition.

Discussion surrounded the success of downtown and the need to take those lessons learned from the downtown area and expand that success to other areas in the City.

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Upon inquiry of Councilman Hay, Council agreed to add more groups to the Commission as they evolve.

Vice-Mayor Field moved to keep the name on the door at 29 Haywood Street as "City Development". This motion was seconded by Councilman Sellers and carried on a 6-1 vote, with Councilman Cloninger voting "no".

It was the consensus of Council to proceed with appropriate action at the next Council meeting.

CLERK TO ADVERTISE OFFER TO PURCHASE DISPOSAL PARCELS 2A AND 3A IN THE EAST RIVERSIDE REDEVELOPMENT PROJECT

Councilman Worley moved to excuse Councilman Cloninger from voting due to a conflict of interest. This motion was seconded by Vice-Mayor Field and carried unanimously.

Mr. Ed Vess, Field Services Coordinator, said that Disposal Parcels 2A and 3A are CS Commercial Service lots located approximately 200 feet south of the intersection of Asheland and Hilliard Avenues, comprising 10,347 square feet. The lots are irregular in shape and mostly flat at street level to a depth of about 150 feet then dropping sharply about 15 feet with the rear of the lot being on grade with South Grove Street. Dritta Enterprises is a N.C. partnership composed of Eugene L. Presley, Ralph P. Presley and Richard H. Presley and is the owner of adjacent property where Hayes & Lunsford Electrical Contractors Inc. is located. The bid from Dritta Enterprises includes the proposal to incorporate 2A and 3A into its existing property and to landscape

the parcels to provide a green belt buffer for its existing property.

The bid of Dritta Enterprises, in the amount of \$22,250, is not less than the established minimum price of \$22,250.

This action will initiate the sale of the property through the upset bid process.

Upon inquiry of Vice-Mayor Field, Mr. Vess said that these parcels would not be suitable for a greenway.

It was the consensus of Council to proceed with appropriate action at the next Council meeting.

DISCUSSION OF OFFER TO PURCHASE DISPOSAL PARCEL 2B

Councilman Worley moved to excuse Councilman Cloninger from voting due to a conflict of interest. This motion was seconded by Vice-Mayor Field and carried unanimously.

Mr. Ed Vess, Field Services Coordinator, said that the City received an upset bid from Oak Valley Associates to purchase Disposal Parcel 2B, with their bid showing the proposed use would be for parking. Mr. Vess obtained additional clarification of the proposed use and they said that they had a timetable for development of the property with a building to be constructed in four years. The original bid by Dr. Albert Anderson was to build a medical office building on that property and he felt the highest and best use of the property would be a building, not a parking lot.

City Attorney Slawter presented three alternatives for Council. One is to proceed with the upset bid process and accept or reject the highest bid pursuant to G.S. 160A-269. He then explained the procedures

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involved in the other two alternatives (Section 9 and Section 10 of the Related Laws).

Dr. Albert Anderson, original bidder, said that he is a single businessman who is going up against an association whose "pockets are deeper" than his. He proposes to build a 4,000 square foot single story medical office building, whereas, the upset bidder proposes to install a parking lot. He urged Council to stop the upset bid process and allow his bid to stand because a building is much better suited for that piece of property. He noted that he is the only minority business in that area and for years he has been asked to be kept informed of available land to purchase. He felt that it was inappropriate for Mr. Vess to notify adjoining property owners that the parcel was for sale - especially since he has never been notified of any potential sales in the area.

City Attorney Slawter recommended that since City Council is mid-way through the upset bid process, that they continue on and after there are no more upset bids received. At that time, Council can then decide whether they want to reject all bids - noting that they can be rejected for any reason. If they do decide to reject the bids, they can start with one of the other alternatives he described above.

Councilman Hay felt the City should proceed with the upset bid process to find out exactly how much the property is worth and then decide the highest and best use of the property.

City Attorney Slawter said that the advertisement for upset bids will go into the August 9, 1996, newspaper inviting another upset bid.

Vice-Mayor Field felt we needed to look at what is in the best interest for the City.

Mr. Vess responded to a concern raised by Dr. Anderson stating that all adjoining property owners have expressed interest in that property and they asked that they be informed if the property was up for sale. He felt the idea is to market the property for the highest dollar we can get. If he knows that people are interested in property in a particular area, he does let them know of their availability.

Councilman Skalski moved to postpone the advertisement for upset bids one week in order to gather additional information. This motion was seconded by Vice-Mayor Field and died on a 2-4 vote, with Mayor Martin and Councilmen Hay, Sellers and Worley voting "no".

At this time, Mayor Martin announced a five minute recess.

CONSENT AGENDA:

School Crossing Guards

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 line item 10-420-35-462-01-4440, Professional Services, in the amount of \$73,200.00. The only bid received was DAP Security, and their bid was an increase from \$8.96 per hour in the school year 1995/96 to an increase of \$9.14 per hour in the school years 1996/97 and 1997/98.

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The Asheville Police Department has contracted with DAP Security since 1989 and DAP Security continues to be the only bidder for this service.

Staff recommends adoption of the resolution authorizing the City Manager to enter into an agreement with DAP Security to provide the services of School Crossing Guards for the budget years 1996/97 and 1997/98.

Keenan Bridge Replacement Project

Summary: This action will be for the selection of a contractor to design and construct a new bridge to replace the existing bridge on Keenan Drive over Haw Creek in Asheville, North Carolina.

The City, through the Public Works Department, solicited bids for this project. Two bid proposals were received, neither from a certified minority business. The bidders were qualified and are listed below:

Firm Name and Location	Base Bid
Civilworks Inc. Hickory, N.C.	\$48,950 for Cast-in-Place Concrete Superstructure, Abutments and Wingwalls

Taylor & Murphy Construction Co. Inc.	\$85,000 for Concrete Box Culvert
Asheville, N.C.	\$92,000 for Concrete Deck Beam Bridge

After review of these bid proposals and the qualification process of the bidders, it was determined that Civilworks Inc. would be selected as the lowest qualified bidder and City Staff would seek Council approval to enter into a contract to design and construct the replacement bridge for the bid amount of \$48,950.

Funding, in the amount of \$55,000, is available in previously approved bridge program funding.

Staff recommends Council approval of the lowest qualified bidder, Civilworks Inc., and requests Council to direct the City Manager to enter into contract for \$48,950 for design and construction for the replacement of the existing bridge on Keenan Drive over Haw Creek.

Budget Amendment re: Public Nuisance Abatement Team Grant

Summary: An appropriation of \$77,781 is requested to fund the police department Public Nuisance Abatement Team project with \$54,750 of project costs being provided through a federal grant.

The City has been awarded a federal grant through the Governor's Crime commission in the amount of \$54,750 to support the police department Public Nuisance Abatement Team project. At the time of the grant application, one year project costs were estimated at \$73,000, requiring a \$18,250 local match. The grant application and local match were authorized by Council May 14, 1996, Resolution # 96-73.

Project costs are now estimated at \$77,781. The increase in costs is attributed to salary and fringe benefit expenses of the officer assigned to the project. Therefore, a local match of \$23,031 is necessary to fund the project. The source of the local match is the General Fund contingency.

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Intent to Close Alley Joining Miller Avenue and Pond Avenue

Summary: This resolution will set a public hearing on September 10, 1996, to consider the closing of an unnamed alley joining Miller Avenue and Pond Avenue.

FAA Grant Agreement

Summary: The Airport Authority has asked City Council to approve a grant from the FAA in the amount of \$170,094. This grant, in the amount of \$170,094, consists of the project to rehabilitate the air carrier apron.

Grant Application for Enrichment Activities for After School Intercession Program at Hall Fletcher Elementary School

Summary: The Parks and Recreation After School Intercession Program at Hall Fletcher provides a supervised licensed child care and recreation program during the year-round school vacation for one week five times a year for approximately 125 children per session, ages 5 to 12 years old. Each Intercession offers a variety of recreation enrichment activities including games, arts and crafts, sports, music, drama, nature, clubs, homework assistance, and fieldtrips. Grant funds will be used in 1997 to implement the "Learn to Ski Program" during the Winter Intercession and "Hooked on Golf"

during the Spring Intercession. The amount of the grant request is approximately \$5,000. Partners in the project are Asheville Parks and Recreation Department, Asheville City Schools, Buncombe County Child Development, and the French Broad Golf Center.

Funds are available through the Community Foundation of Western North Carolina to provide prevention and intervention programs that build self-confidence and life skills for children. The City of Asheville wishes to apply for funding for enrichment activities at the After School Intercession Program at Hall Fletcher Elementary School.

The Parks and Recreation Department recommends the City of Asheville apply for the grant funds through the Community Foundation of Western North Carolina.

Adopt A Street Program

Summary: This formalized program was modeled after a current Statewide (Adopt-A-Road) program which utilizes volunteer individuals and groups to keep public streets and walkways clean and free of debris and rubbish.

The original program draft dates from early 1991, and the current draft has been revised several times in the past eight months. The drafting of a comprehensive document has been arduous in light of the many difficulties the State has had in the past with controversial volunteer groups and public reaction to them. Staff is now confident that the program as written provides sensible policies and procedures for participants and a minimum of potential problems for the City.

In tandem with formulating the written program, the Department has worked closely with Quality Forward to develop and print brochures for public distribution and to promote the program within the community. In addition, the Department has stocked plastic bags, safety supplies, and ordered sign blanks. A safety program (briefing), modeled after the State's program, is almost complete. The program is poised to be implemented with minimum additional preparation.

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The Public Works staff recommends that City Council adopt a Resolution for the implementation of the Adopt-A-Street Program. Such a program will provide the City and its citizens a means to work together in litter collection to enhance existing efforts and programs.

Design firm for City Hall Roof and Exterior Walls Renovation

Summary: In an effort to preserve and repair the roof and exterior walls of the City Hall building, a request for proposal process was implemented to solicit architectural/engineering firms to provide proposals to provide design services for repair of the above-stated elements.

Requests for proposal were submitted to 57 architectural/ engineering firms, seven of which were from certified minority businesses. A committee comprised of four City staff was established to review the proposals received for this project. Group members were Dick Meehan, Superintendent of Parks and Public Facilities; Maggie O'Connor, Director of Historic Resources; Al Kopf, Landscape Architect; and Lyle Willis, Contract Administrator. This request for proposal committee received 16 proposal submittals, none of which were from certified minority businesses.

The request for proposal committee met to review all proposals. Criteria used

in the review process were set up in a matrix system designed to evaluate each of the firms based on experience, quality of work, experience with and quality of projects of similar scope; and each firm's internal processes addressing procedures for: project analysis, cost control, materials testing, structural evaluation, and experience with repairs to terra cotta and brick. A numerical value was assigned to each of these areas and the three firms with the highest score were requested to come in for an in-depth interview covering issues ranging from restoration philosophy to extent of staff involvement with this project.

Upon the conclusion of the interview process, one firm was selected as the best choice for this project.

Staff recommends approval of the firm William Flynn Wescott, P.E. and Ellen Pratt Harris, AIA, for this project and requests Council approval to direct the City Manager to enter into an architectural/engineering contract for design services to preserve and repair the roof and exterior walls of the City Hall building.

It was the consensus of Council to proceed with appropriate actions regarding the Consent Agenda items at the next formal meeting.

BOARDS AND COMMISSION:

It was the consensus of Council to instruct the City Clerk to arrange interviews for vacancies on the following boards and commissions: (1) ADA Compliance Committee; (2) Civic Center Commission; (3) Police Officers and Firefighters Disability Review Board; (4) Planning & Zoning Commission; and (5) Tree/Greenway Commission.

It was also the consensus of Council to (1) reappoint Michael Keleher and James Lewis to the Police Officers and Firefighters Disability Review Board; (2) appoint Carol King to the Asheville Downtown Commission; (3) reappoint Jim Torpey and Jane Gianvito Mathews to the Planning & Zoning Commission; (4) reappoint J. Randolph Fluharty to the Tourism Development Authority; (5) reappoint Peter Loewer and Joey Moore and appoint Dr. J. Lowell Orbison (as an ex-officio member)

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to the Tree/Greenway Commission; (6) appoint S. Douglas Spell to the Victoria of Asheville Board of Directors; and (7) reappoint Charles Worley to the Asheville-Buncombe Water Authority.

CLOSED SESSION

At 9:15 p.m., Councilman Worley moved to go into closed session, as authorized by G.S. 143-318.11 (a) (3) to consult

with the City Attorney in order to preserve the attorney-client privilege, including discussion of a civil action filed by the Historic Resources Commission and others against the Board of Adjustment (96 CVS 3300); and as authorized by G.S. 143-318.11 (a) (5) to instruct City staff regarding the position to be taken in negotiating the price and other material terms related to the potential acquisition by the City of real property located on Beverly Road and on Hendersonville Road. This motion was seconded by Councilman Skalski and carried unanimously.

At 10:15 p.m., Vice-Mayor Field moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

ADJOURNMENT:

Mayor Martin adjourned the meeting at 10:15 p.m.

CITY CLERK MAYOR
