

Tuesday - May 13, 1997 - 5:00 p.m.

Regular Meeting

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 Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and Deputy City Clerk Phyllis Corns

Absent: None

INVOCATION

Mayor Martin gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 97-57 - RESOLUTION OF APPRECIATION TO SHARON RUFF, RECREATION CENTER DIRECTOR II

City Manager Westbrook read the resolution stating that Sharon Ruff has been employed by the City of Asheville for 23 years and has requested retirement from her position as Recreation Center Director II in the Parks and Recreation Department. Mayor Martin expressed City Council's appreciation to Sharon for her service to the City of Asheville and its citizens.

Councilman Worley moved for the adoption of Resolution No. 97-57. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 57

B. PROCLAMATION PROCLAIMING THE WEEK OF MAY 18-24, 1997, AS "EMERGENCY MEDICAL SERVICES WEEK"

Mayor Martin read the proclamation proclaiming the week of May 18-24, 1997, as "Emergency Medical Services Week" in the City of Asheville. He presented the proclamation to Fire Chief John Rukavina who introduced Mr. and Mrs. Ed Crowley who had occasion to use the emergency medical services and the firefighters from Asheville who were involved in the incident.

C. PROCLAMATION PROCLAIMING THE WEEK OF MAY 18-24, 1997, AS "NATIONAL PUBLIC WORKS WEEK"

Mayor Martin read the proclamation proclaiming the week of May 18-24, 1997, as "National Public Works Week" in the City of Asheville. He recognized representatives of Metropolitan Sewerage District, the Parks and Recreation Department, the Public Works Department, the Fleet Management Division and the Water Resources Department and presented each with a proclamation. Assistant Public Works Director Suzanne Molloy briefed the Council on some activities that would be taking place during the week.

D. PROCLAMATION PROCLAIMING TUESDAY, MAY 20, 1997, AS "STRIVE TO NOT DRIVE DAY"

Mayor Martin read the proclamation proclaiming May 20, 1997, as "Strive to Not Drive Day" in the City of Asheville. He presented Ms. Elizabeth Teague, Mr. Tom Redinger and Mr. Jim Heimbach, all with the Land-of-Sky Regional Council, with the proclamation. Ms. Teague briefed the Council on some activities that would be taking place during the day. -2-

II. CONSENT:

Councilman Skalski asked that Item B. be pulled from the Resolutions & Motions Consent Agenda for individual discussion.

Resolutions & Motions:

A. APPROVAL OF THE MINUTES OF THE FORMAL MEETING HELD ON APRIL 22, 1997; THE JOINT PUBLIC HEARINGS WITH THE PLANNING & ZONING COMMISSION ON THE UDO MAPPING HELD ON APRIL 23 AND 24, 1997; AND THE WORKSESSION HELD ON MAY 6, 1997

B. RESOLUTION AUTHORIZING SUBMITTAL OF CONSOLIDATED PLAN TO HUD

This item was pulled from the Consent Agenda for individual discussion.

C. RESOLUTION NO. 97-59 - RESOLUTION AUTHORIZING THE ENTERING INTO A CONTRACT WITH NEO CORPORATION FOR TESTING AND REMOVAL OF ASBESTOS AND LEAD-BASED PAINT FROM THE OLD WATER MAINTENANCE BUILDING

Summary: Consideration of a contract for the removal of all asbestos and lead-based paint from the Old Water Maintenance Building and the sandblasting of the exterior brick of that building.

On November 11, 1996, the City of Asheville entered into a contract for design services with Padgett & Freeman Architects, P.A., to provide services for the Old Water Maintenance Building and to provide construction specifications incorporating the relocation of Asheville City Schools maintenance offices into the first floor of the Old Water Maintenance Building located at 174 S. Charlotte Street.

In an effort to provide a clean construction site for remodeling and renovation, it is necessary to test for and remove existing asbestos and lead-based paint prior to the start of construction. By having the City enter into contract with a specialized firm, instead of relying upon the general contractor to subcontract this work, we will hold down overall construction costs.

The City received proposals for this hazardous waste testing and removal from Webster Environmental Inc. and NEO Corporation as follows:

NEO Corporation	\$ 112,600
Waynesville, North Carolina	
Webster Environmental Inc.	\$ 205, 537
Ruffin, North Carolina	

The City also requested that the firm of Padgett & Freeman check with other local sources to determine approximate abatement costs. It was determined that the bid from the NEO Corporation was in line with costs from these other local sources, and that NEO Corporation would be best-suited for this project.

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Staff recommends that the City Manager be authorized to enter into a contract with NEO Corporation for the testing and removal of asbestos and lead-based paint from the Old Water Maintenance Building.

RESOLUTION BOOK NO. 24 - PAGE 59

D. RESOLUTION NO. 97-60 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NOTIFY ENG/6A TO PROCEED WITH THE CONSTRUCTION DOCUMENT PHASE, THE BIDDING PHASE AND THE CONSTRUCTION PHASE FOR DESIGN SERVICES FOR RENOVATION OF THE MUNICIPAL BUILDING

Summary: Parks and Recreation Department is seeking authorization from City Council to enter into the Construction Documents and Bidding Phase of the existing contracts with the design firms ENG/6A and Padgett & Freeman Architects P.A., for design services to develop construction bid documents and to solicit bids for renovation of the Municipal Building and the Old Water Maintenance Building, respectively.

On August 7, 1996, the City of Asheville entered into contract with Six Associates Inc., d/b/a ENG/6A, for design services for renovation of the Municipal Building, located at 100 Court Plaza. The revised scope of work and related fees for this design services contract cover three phases of work, consisting of:

1. Preliminary Phase, estimated at \$116,000;
2. Construction Documents and Bidding Phase, estimated at \$382,000; and
3. Construction Management Phase, estimated at \$194,000.

The Preliminary Phase, which has been completed, consisted of measuring and documenting existing conditions, reviewing all programming aspects of the building's occupants (the Fire and Police Departments), and developing schematic designs for owner review and approval. This phase of work concludes with the presentation and approval of the drawings and elevations being presented.

Construction costs for the project based on these design plans are approximately \$13 million.

On November 5, 1996, the City of Asheville entered into contract with Padgett & Freeman Architects P.A., for design services for renovation of the Old Water Maintenance Building, located at 174 S. Charlotte St., to allow for relocation of the Asheville City Schools maintenance offices from the Municipal Building to the lower floor of the Old Water Maintenance Building. The revised scope of work and related fees for this contract cover total design services, with a design fee of approximately \$105,000.

The completed design elevations and floor layout drawings consisted of measuring and documenting existing conditions, reviewing all programming aspects of the building's occupants (Asheville City Schools and storage for the City's Water Resources Department and Purchasing Division), and developing schematic designs for owner review and approval. This phase of work concludes with the presentation and approval of the drawings and elevations being presented.

Construction costs for the project based on these design plans are approximately \$1 million.

City staff has reviewed and made necessary changes to these documents for both buildings listed above. Staff requests City -4-

Council's concurrence so that the next phase of work may begin for both projects. City staff has reviewed funding sources and anticipates funding of these projects in FY 1997-98 and 1998-99.

Upon approval of the plans, City staff will assist ENG/6A and Padgett & Freeman Architects P.A. in completing the construction bid documents and the subsequent bid solicitation. The Old Water Maintenance Building project is scheduled for construction work to be initiated in July 1997. The Municipal Building project is scheduled for construction work to be initiated in October 1997.

Staff recommends that the City Manager be authorized to enter into the Construction Documents Phase of the existing contracts with ENG/6A and Padgett &

Freeman Architects P.A., for design services to develop construction bid documents and to solicit bids for renovation of the Municipal Building and the Old Water Maintenance Building, respectively.

RESOLUTION BOOK NO. 24 - PAGE 60

E. RESOLUTION NO. 97-61 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NOTIFY PADGETT & FREEMAN ARCHITECTS, P.A., TO PROCEED WITH THE CONSTRUCTION DOCUMENT PHASE, THE BIDDING PHASE AND THE CONSTRUCTION PHASE FOR DESIGN SERVICES FOR RENOVATION OF THE OLD WATER MAINTENANCE BUILDING

Summary: See Item F above.

RESOLUTION BOOK NO. 24 - PAGE 61

F. RESOLUTION NO. 97-62 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES TO FUND THE SUMMER DAY CAMP AND PLAYGROUND PROGRAMS

Summary: The consideration of a grant application through the N. C. Dept. of Environment, Health and Natural Resources to provide food service in the Summer Day Camp and Playground Programs.

Funds are available through the N. C. Dept. of Environment, Health and Natural Resources, Division of Maternal and Child Health, Child and Adult Care Food Program to provide breakfast, lunch, and snacks.

The Summer Day Camp Program will provide supervised licensed child care, recreation, enrichment activities, and food service for children in kindergarten through 5th grade, June 9 through August 8, 1997, Monday through Friday, 7:30 am to 6 pm. The cost of the program is \$65 per week for city residents, \$75 per week for non-city residents. Sites will be located at Claxton, Hall Fletcher, Jones, Randolph, and Vance Elementary Schools; and Reid Recreation Center. Breakfast, lunch and snacks will be provided daily at no extra cost. The number of meals and amount of reimbursement will vary based on the total meals actually served each month.

The Summer Playground Program will provide supervised recreation activities for children ages 6 to 12, June 16 through August 7, Monday through Friday, 10:30 am to 5:30 pm. Free of charge with a one time \$10 activity fee. Sites will be located at Shiloh, East Asheville, Murphy-Oakley and Burton St. Community Centers; Martin Luther King, Weaver and Walton St. Parks; and Woodridge Apts., Mountainside Apts., Pisgah View Apts., and Klondyke Homes. Lunch will be provided daily with no extra -5-

cost. The number of meals and the amount of reimbursement will vary based on the total meals actually served each month.

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

RESOLUTION BOOK NO. 24 - PAGE 62

G. RESOLUTION NO. 97-63 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CRISP, HUGHES & CO., L.L.P., FOR AUDITING SERVICES FOR FISCAL YEAR 1996-97

Summary: N. C. Gen. Stat.\_sec. 159-34 requires that local governments of North Carolina have their accounts audited each fiscal year and submit a copy of the audit to the Local Government Commission.

In 1993 the local audit firm of Crisp Hughes & Co., L.L.P., won the bid for the

City's audit with the option, dependent upon the quality of service, to be re-engaged annually for a period of three to five years. They performed the FY '93, FY '94, FY '95 and FY '96 audits and have now submitted an engagement letter for the FY '97 audit. The FY '97 audit fee has been estimated at, and limited to, \$52,000. Funds are appropriated in the budget of the Accounting Division of the Finance Department. The fee includes an audit in accordance with generally accepted auditing standards which includes an assessment of the City's internal control procedures, testing for compliance with N. C. Gen. Statutes, testing for compliance with pronouncements of the Governmental Accounting Standards Board, Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the Guidelines for Financial and Compliance Audits of Federally Assisted Programs and the Federal Office of Management and Budget's Compliance Supplement for Single Audits of State and Local Governments.

Staff recommends adoption of the ordinance and re-appointment of the audit firm Crisp Hughes & Co., L.L.P.

RESOLUTION BOOK NO. 24 - PAGE 63

H. RESOLUTION NO. 97-64 - RESOLUTION AUTHORIZING THE SALE OF DISPOSAL PARCEL 10.2 ON CARROLL AVENUE IN THE EAST END/VALLEY STREET PROJECT TO ALVIN AND LAVONDA SEARLES

Summary: The consideration of a resolution authorizing the Mayor to convey Disposal Parcel 10.2 in the East End/Valley Street Community Improvement Area to Alvin and Lavonda Searles.

On April 22, 1997, the City Council directed the City Clerk to advertise for upset bids on Disposal Parcel 10.2. The advertisement ran in the Asheville Citizen-Times on April 25, 1997, as provided in N. C. Gen. Stat. sec. 160A-269. A response to the advertisement was not received. Therefore, the offer to purchase from Alvin and Lavonda Searles in the amount of \$7,875.00 was not upset and the sale to Alvin and Lavonda Searles should be approved.

Approval of the resolution will authorize the sale of the property to Alvin and Lavonda Searles for the amount of \$7,875.00.

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Community Development staff recommends adoption of the resolution to convey Disposal Parcel 10.2 in the East End/Valley Street Community Improvement Area to Alvin and Lavonda Searles in the amount of \$7,875.00.

RESOLUTION BOOK NO. 24 - PAGE 64

I. MOTION SETTING A PUBLIC HEARING FOR MAY 27, 1997, TO CONSIDER A ZONING VESTED RIGHT FOR ASHEVILLE CITY SCHOOLS AT LUCY HERRING FACILITY

J. RESOLUTION NO. 97-65 - RESOLUTION ENDORSING THE DESIGNATION OF THE FRENCH BROAD RIVER AS AN AMERICAN HERITAGE RIVER

Summary: President Clinton has initiated the American Heritage Rivers Program in which he will designate 10 American Heritage Rivers to help communities along them revitalize their waterfronts and clean up pollution. Asheville is blessed to have the French Broad River flow through the middle of our City. The French Broad River is one of the oldest rivers in the United States and has the distinction of being the only river in the United States to flow North. The French Broad River has helped define our history and will play an even more vital role in our future as a sustainable community. RiverLink, which is spearheading the economic and environmental revitalization of this important regional resource, is pleased to be involved in a public private partnership with the City of Asheville. With the designation of the French Broad River as one of the American Heritage Rivers,

resources such as programs, grants, and technical assistance will enable our community to work on behalf of a restored, revitalized river.

RESOLUTION BOOK NO. 24 - PAGE 65

K. RESOLUTION NO. 97-66 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY PERTAINING TO BUILDING INSPECTION SERVICES FOR THE DEERFIELD RETIREMENT COMMUNITY

Summary: The consideration of an Interlocal Agreement with Buncombe County for the purpose of performing building inspection functions for the Deerfield Retirement Community project.

The Deerfield Retirement Community consists of a total acreage of approximately 79.6 acres located along Hendersonville Road south of Valley Springs Road. A proposed development plan was reviewed by the City for the portion of the project within the City and approved on July 11, 1995. The proposed project consists of the construction of a health center, assisted living apartments, community center, chapel, and cottages on individual lots as shown on the attached sketch plan. Approximately 25 acres of the project site is located outside the corporate limits of the City of Asheville and is within the jurisdiction of Buncombe County. Due to the City/County line bisecting the project, building inspections services would be extremely complicated for this project. The result would be that the City would inspect the portion of the project located in the City limits, the County would inspect the portion of the project located in Buncombe County, and fire inspections by the City of Asheville would occur on the project as a whole since we would be the primary fire protection provider. This inspection process would be further complicated due to the major communication components for the proposed apartment buildings being located on one side of the jurisdictional line requiring inspections by both jurisdictions.

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In order to simplify the inspections process, the City and County have discussed the possibility of entering into an "Interlocal Agreement" whereby the City would inspect this project in its entirety. Additionally, the City has received a voluntary annexation petition whereby all portions of the property located outside the corporate limits would be annexed into the City. However, this could not occur prior to the construction associated with this project being initiated and the contractor obtaining all necessary permits. Therefore, staff has prepared an "Interlocal Agreement" between the City of Asheville and Buncombe County which would encompass the City performing building inspection services for the proposed Deerfield Retirement Community project as outlined herein.

Staff recommends that City Council authorize the City Manager to execute an Interlocal Agreement pertaining to building inspection services for the Deerfield Retirement Community subject to final approval by City Council.

RESOLUTION BOOK NO. 24 - PAGE 67

L. MOTION SETTING A PUBLIC HEARING FOR MAY 27, 1997, TO AMEND THE ZONING ORDINANCE REGARDING GOVERNMENTAL SIGNS AND SIGNS IN THE RIGHT-OF-WAY

Mayor Martin said that members of Council have been previously furnished with copies of the resolutions on the Resolutions & Motions Consent Agenda and they will not be read.

Councilman Worley moved for the adoption of the Resolutions & Motions Consent Agenda. This motion was seconded by Councilman Cloninger and carried unanimously.

Ordinances:

A. ORDINANCE NO. 2361 - BUDGET AMENDMENT FOR AN EQUIPMENT PURCHASE PROJECT FOR THE POLICE DEPARTMENT ALLOWED UNDER THE BUREAU OF JUSTICE ASSISTANCE GUIDELINES

Summary: This budget amendment, in the amount of \$116,231, is for an equipment purchase project for the Police Department allowed under the Bureau of Justice Assistance Guidelines.

ORDINANCE BOOK NO. 16 - PAGE 186

B. ORDINANCE NO. 2362 - BUDGET AMENDMENT FOR THE DESIGN PHASE OF THE REHABILITATION OF THE CHEROKEE ROAD STONE RETAINING WALL

Summary: This budget amendment, in the amount of \$24,000, is for the design phase of the rehabilitation of the Cherokee Road stone retaining wall.

ORDINANCE BOOK NO. 16 - PAGE 188

C. ORDINANCE NO. 2363 - BUDGET AMENDMENT TO REVISE APPROPRIATIONS IN THE WATER CAPITAL CONSTRUCTION FUND

Summary: This budget amendment, in the amount of \$590,390, is to revise appropriations in the Water Capital Construction Fund for the North Floor Conference Room renovation, the Bee Tree Dam Renovations, the N. C. Dept. of Transportation's Biltmore Viaduct Project and the Reservoirs/Tunnel Repairs Project. -8-

ORDINANCE BOOK NO. 16 - PAGE 190

Mayor Martin said that members of Council have been previously furnished with copies of the ordinances on the Ordinance Consent Agenda and they will not be read.

Councilman Sellers moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Councilman Skalski.

On a roll call vote of 7-0, the Ordinance Consent Agenda was adopted on its first reading.

ITEM PULLED FROM THE CONSENT AGENDA

RESOLUTION NO. 97-67 - RESOLUTION AUTHORIZING SUBMITTAL OF CONSOLIDATED PLAN TO HUD

Summary: The City will be applying for \$1,587,000 in CDBG and \$995,000 through the HOME program for the coming year. Anticipated program income will increase available revenue for CDBG activities by \$350,000 and by HOME \$20,000.

Council action will authorize submittal of Consolidated Plan to HUD. Deadline for submittal is May 30, 1997. The Consolidated Plan serves as a planning document as well as the application for funding under the CDBG and HOME grant programs.

The City's Housing and Community Development Committee has reviewed applications from Agencies for CDBG funds and recommends CDBG funding allocation as described as follows:

The following table provides a breakdown of the projects and funding source for the year beginning July 1, 1997:

<u>PROJECT</u>	<u>AGENCY</u>	<u>CDBG</u>	<u>HOME</u>	<u>MATCH</u>	<u>OTHER</u>
Renter Education/Case Management	AHC	75,000	0	0	67,825

Homeowner Education/Counseling	AHC	31,000	0	0	30,000
Asheville Area Habitat for Humanity	AAHH	80,000	0	0	588,000
Fair Housing & Employment	ABCRC	25,000	0	0	175,000
West End/Clingman Infrastructure	MHO.	250,000	0	0	0
City Wide Rehab	COA	500,000	0	0	240,000
Credit Counseling	CCCS	9,000	0	0	300,075
South Pack Square Redevelopment	E/MSDC	136,255	0	0	15,100
Homeless Program	HH	36,000	0	0	596,835
Hillcrest Enrichment	HACA	47,500	0	0	102,440
Affordable Homeownership	MHO	200,000	0	0	3,915,340
Emergency Repair	MHO	50,000	0	0	94,000
NHS Cottage Works	NHS	63,750	0	0	60,000
NHS New Constr Single Family	NHS	198,750	24,500	6,125	150,000

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Head of Montford Development	NHS	12,500	0	0	0
Contractor Development Program	NHS	12,500	0	0	0
Legal Services	PLS	20,000	0	0	0
New Hope Community Health Center	NHCHC	13,000	0	0	88,000
West End/Clingman Acquisition	MHO		260,000	65,000	0
Mountainside Apartments Rehab	HACA		95,425	18,856	1,253,800
C D Administration	COA	176,745	0	0	0
Buncombe Co Rural Housing Rehab	BC	0	254,658	63,664	35,000
New Construction Single Family	COH	0	50,000	12,500	0
New Construction Rental Housing	HAC	0	50,000	12,500	0
HAC Acquisition/Rehab/Resell	HAC	0	74,750	18,687	0
Madison Co Homeowner Rehab	MC	0	56,417	14,104	0
HOME Administration	COA	0	71,360	0	0
Consortium Member Gov't Admin		0	28,140	0	0
CHDO Capacity Building		0	49,750	0	0
TOTAL		1,937,000*	1,015,000**	211,436	7,711,415



\* Includes \$350,000 program income

\*\* Includes \$20,000 program income

The Asheville Regional Housing Consortium has reviewed applications from Agencies and local governments for HOME funds and recommends HOME funding allocation as described on the proposed project listing.

A summary of the proposed Consolidated Plan was published in the Asheville-Citizen Times on March 28, 1997, requesting public comment to be submitted to the Community Development Division by April 30, 1997. Three community public hearings have been conducted by the staff on the Consolidated Plan.

Councilman Skalski, member on the Housing & Community Development Committee, voiced concern over a couple of allocations that he felt were not equally distributed to the poor that really need the housing.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Field moved for the adoption of Resolution No. 97-67. This motion was seconded by Councilman Hay and carried on a 6-1 vote, with Councilman Skalski voting "no".

RESOLUTION BOOK NO. 24 - PAGE 68

### III. PUBLIC HEARINGS:

### IV. UNFINISHED BUSINESS: -10-

### V. NEW BUSINESS:

#### A. RESOLUTION ADOPTING THE ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

Assistant City Manager S. Douglas Spell said that the Unified Development Ordinance (UDO) makes reference to a document containing design guidelines and technical specifications. This reflects staff's desire to prepare a formal document that would provide a resource to designers, developers and contractors involved in new construction or expansion of existing infrastructure.

He said that the Asheville Standard Specifications and Details manual has been prepared by City Staff. The preparation of this document has been coordinated by the Engineering Department and has been reviewed by various departments including Building Safety, Finance, Fire, Parks and Recreation, Planning and Development, Public Works and Water Resources. Staff comments were incorporated into a draft manual that was made available to the development community on April 15, 1997. Approximately 260 letters were mailed to businesses, developers, designers and contractors that had applied for related type permits or submitted plans to the City in the past three years. In his letter, he requested these parties/individuals review the draft manual and forward written comments to his attention no later than April 25, 1997. These comments were reviewed by staff with concurring comments incorporated into the final draft for City Council review and consideration. Also, a public meeting was held on May 1, 1997, to review the document and receive comments. Staff provided City Council with a summary of the information received from the public comments.

The Asheville Standard Specifications and Details manual consists of design guidelines and technical specifications for construction related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure. The City standards outline the minimum construction standards which would be allowed in the City limits and extraterritorial zoning jurisdiction. The standard

specifications would be applicable on both public and private property. For example, private streets and parking lots would be required to meet minimum pavement structure requirements. The rationale for this is due to the safety to the public, as well as to meet a standard to accommodate delivery vehicles or fire trucks. As a second example storm drainage on private property would be required to meet City standards due to the adverse impact improperly sized or installed pipe could have on public right of way or upstream properties.

The Engineering Department would be the primary department responsible for enforcement of the City standards through the Construction Inspectors. The City Engineer would be responsible for any requested variance or deviation from the City standards, except where otherwise noted. In some cases such as waiving the requirement for sidewalks, the City Council would be the only authority that could grant any non-conformance to the City standards. Additionally, the City Engineer could make minor revisions to the City standards and would publish annual updates to the manual.

City staff recommends that the Asheville Standard Specifications and Details manual become effective on May 27, 1997, consistent with the effective date of the UDO. Following adoption of the Asheville Standard Specifications and Details manual, the Engineering Department would be responsible for the distribution of the manual. Copies will be available upon request for individuals/businesses to obtain a copy at a -11-

one time cost of \$25.00. The manual will be in a three ring binder and all updates will be available to individuals/businesses at no cost.

City staff recommends the adoption of the Asheville Standard Specifications and Details manual with implementation in accordance with the items reviewed.

Mr. Bob Selby, President of the Council of Independent Business Owners, said that they have not had sufficient time within which to review the Manual and requested a delay of two weeks before adoption. He said his concerns were more of a tactical nature and used the example of requiring any retaining wall on private property over 5 feet to be certified and stamped. He didn't think the Homebuilders Association or the Board of Realtors have given Council, from an owner's and developer's point of view, what this Manual means to them. He felt that two weeks notice to provide comments is not enough time.

Upon inquiry of Councilman Skalski, Mr. Spell said that if it is the desire of Council to delay the adoption, staff will certainly work with the community as needed and try to respond. He did note that the specific item Mr. Selby noted is a direct quote out of the North Carolina Building Code and City staff basically included it in this Manual as a convenience factor so that it was redundant and caught people's attention.

Councilman Worley stated that this is not an ordinance. Council is endorsing a concept of having a Manual that's uniform among all our departments and it doesn't change the concept that staff has always had the ability to set these standards and specifications and can change them. It is easily changeable.

Mr. Selby said that since there are major requirements in the Manual that do need Council approval to change, he again requested a delay of two weeks.

City Attorney Oast said that the document before Council is a set of design guidelines and standard specifications which are supposed to guide development in the City of Asheville. There is flexibility built into the document. The matter before Council today is to endorse the concept and the particular items contained in it and to direct staff to proceed to implement that within the guidelines set forth in the Manual itself.

City Manager Westbrook said that Council would need to take action on this matter

before two weeks. He explained that May 27, 1997, is the date scheduled for the adoption of the UDO, which makes reference to this document.

Councilman Worley then moved to continue this matter one week, until May 20, 1997. This motion was seconded by Councilman Skalski and carried unanimously.

B. MOTION TO APPROVE THE INFORMATIONAL SIGNAGE OF TWO EXTERIOR SIGNS AT ASHEVILLE CIVIC CENTER

Mr. Lyle Willis, Contract Administrator, said that staff is requesting City Council to consider the replacement of informational signage at the Asheville Civic Center.

A Civic Center signage study was commissioned and completed in September 1996, with recommendations to improve the existing interior and exterior signage at the Asheville Civic Center. Based on those recommendations, the City entered into a contract for construction of -12-

ADA signage with Graphic Systems International Inc. of Greensboro, N.C. The estimated cost for the signage improvements is in the amount of \$25,921. Funds are budgeted for this project in the Civic Center operating budget.

Among the signs to be constructed for and placed at the Civic Center is one exterior marquee sign that would replace one that is currently at the Civic Center. The second exterior sign would be a directory and would announce upcoming events and state information regarding the facilities that are housed within the Civic Center complex. The new Asheville Symphony Orchestra sign directory is to be mounted in the lobby area and is separate from and supplementary to the existing sign mounted to the left of the entrance which states "Thomas Wolfe Auditorium." This existing sign would remain.

By a letter dated April 21, 1997, the Civic Center Commission, at the request of the Asheville Symphony, endorsed and requested that the "Thomas Wolfe Auditorium," be renamed to the "Thomas Wolfe Symphony Hall." City staff requests clarification from Council as to the final wording of signage designating the Thomas Wolfe Auditorium, because this wording affects several signs being constructed and installed under this new contract.

Staff requests City Council review of the drawings of the proposed new signage that would replace existing signage at various locations throughout the building.

Staff requests that City Council provide direction as outlined in this report and recommends that the City Manager be authorized to enter into a contract for the installation of new informational signage that would replace existing signage located throughout the Asheville Civic Center.

Councilman Skalski felt that he did not have sufficient information on how the community felt with the proposed name change.

Mr. Stephen Toomey, Chairman of the Civic Center Commission, said that in February, 1997, the Asheville Symphony sent a letter to the Commission outlining several items for them to take under consideration. The name change being requested was from the "Thomas Wolfe Auditorium" to the "Thomas Wolfe Symphony Hall". This request is not to rename the hall after the Symphony, but yet give the area itself more of a symphony hall presence. He said the people he has talked to have said that having the words "Symphony Hall" in its name will give some artistic value to the facility. The Asheville Symphony has been a tenant of the facility since 1974 and they hold the most number of performances in the Thomas Wolfe Auditorium of any existing groups performing there now.

Vice-Mayor Field said that she has no problem with it being renamed to a Symphony Hall, she just wants to be sensitive to the entire cultural community. She felt

that given all of the other cultural activities and other cultural organizations in town that use the Thomas Wolfe Auditorium and given some of the difficulties that people have had this past year in dealing with the Civic Center with the increase in fees, etc., they should be given an opportunity to give their input into this name change.

Mr. Willis said that he has talked with a man who deals with the Mountain Heritage Dancers and he had no objection. He was going to talk with some of the people with that particular group. He has also talked with the Community Concerts and they were going to poll their members and come back with their response. -13-

Councilman Cloninger agreed with Vice-Mayor Field. He wanted to be supportive of the Symphony but he felt we needed some additional input from the public before we take this step.

Mr. Toomey said that this is not so much a request for support of the Asheville Symphony but more in line with just upgrading the name of the facility to encompass more of a performing arts type facility versus the an auditorium.

Councilman Hay asked Interim Civic Center Director Manuel Costa for his opinion on the name change. Mr. Costa said that the connotation of auditorium does mean high school auditorium. When they are out promoting the area and can say it's a symphony hall, then it gives them the impression of more of a performing arts center. He didn't think when the Asheville Symphony made their presentation, that they were looking for it to be the Symphony Hall. They were looking for a name that would encompass what Asheville really had to offer and that would be our performing arts center. He felt that with the name change to Symphony Hall, it might be a little easier to attract promoters and events.

Councilman Skalski moved to table the issue until a report is received from staff regarding the name change. This motion was seconded by Councilman Sellers.

At the request of Councilman Hay, Councilman Skalski then moved to amend his motion to (1) approve the replacement of informational signage at the Asheville Civic Center as outlined above and (2) table any sign changes regarding the renaming of the Thomas Wolfe Auditorium until staff provides Council with a report from other cultural groups with their input. The groups to be polled are to be Asheville based and who have used the Civic Center and the Thomas Wolfe Auditorium over the last five years. Councilman Sellers accepted the amendment to the motion. Said motion carried unanimously.

## VI. OTHER BUSINESS:

### A. RIVER PROPERTY OWNERS

Mr. Jerry Sternberg, representing the French Broad River and the Swannanoa River property owners, read the following statement: "The river property owners are not unhappy with the present Heavy Industrial zoning classification of the River District. Pressure for changing this zoning has come from outside organizations such as Planning & Zoning, City Council and the RiverLink organization. The changes impose additional restrictions on the property owners which means that certain of their rights and privileges are taken away. Quite often, at least in the short-run, their property values are diminished. Over the past eight years we have constantly been told that we should reason and compromise with these groups in order that a revitalization of the riverfront could take place which would benefit all of the citizens of the community including the river property owners. After many meetings and much controversy a meeting was held last October with RiverLink's representatives, Planning & Zoning representatives and representatives of City Council and myself as representative of the property owners. At that time an agreement was reached on the final wording of the River District in the new Unified Development Ordinance. At that time I agreed to encourage the river property owners to work with me and the various groups to plan and improve the

riverfront. In January at the urging of members of the RiverLink organization, Planning & Zoning changed the permitted use portion of the ordinance to include much more restrictive language without consulting the river property owners. Over sharp protest from myself as a representative of the property owners, City Council saw fit to pass this new language into the ordinance. The -14-

papers have been full of reports of the visits that you and other river advocates have made to San Antonio, Charleston, Chattanooga and the glowing results about their beautiful revitalized riverfronts. I can tell you that when these cities began to even think about revitalizing their riverfronts, the first thing that the Mayors and the City Council did was to go to the property owners and explain their vision and ask for their input, help and cooperation. Never has any Asheville Mayor or City Council person ever called a meeting of the river property owners to ask for our input or our concerns about the redevelopment of the riverfront. That includes you, Mr. Mayor, every City Council person, and it also includes especially Mr. Cloninger who appears to be the most passionate advocate of all of you for river revitalization. You have bent over backwards to get input from the businessman and property owners of Biltmore and West Asheville and you don't even paint a curb downtown without getting a consensus of every property owner in the downtown district. I heard more concern here today about changing the name of the Symphony Hall, or Thomas Wolfe, than was given to this drastic change that affects all of the river property owners. You hold your Council meeting in every neighborhood in town begging for input, but you have never been to the river. The reason for your apathy about the river is that you do not own property in the river. You do not live in the river and you do not work in the river. You have never bothered to find out that we are the same kind of hard-working, solid citizens, civic-minded that exist in the rest of this City. You have decided in advance that we would not cooperate. You have used RiverLink as your Trojan horse and have decided to take whatever you wanted by edict and fiat. Your latest act of changing the permitted use section of the UDO ordinance in a manner that was contrary to the agreement that was made with the representatives of RiverLink, Planning & Zoning, City Council and myself, representing the river, you have forced us to fulfill this prophecy. The river property owners have come here today, not to beg or petition, but to let you know where they stand in regard to the action that you have taken. I will now speak only for myself, Jerry Sternberg, property owner. Unless you change the ordinance back to read that any use not prohibited by this short-list of uses that was in the original draft, plus the additional prohibition of an asphalt plant is allowed, I will not cooperate in any manner, shape or form with any part of the river revitalization project."

Mayor Martin commented that there has never been pressure from City Council regarding this issue. What Council did do, however, is to encourage people who are property owners down by the river to sit down and talk and try to hammer out an agreement. That, he felt, was asking for some comment. There is no apathy here. City Council is very concerned about future development of the river as well as all areas of this community. We think that the river is a very important asset that we have in this community and in many cases is underutilized and, in other cases, neglected. But, we want to be sure that it is included in any further development and we are interested in what the property owners have to say.

The following individuals spoke in support of the comments made by Mr. Sternberg:

Mr. Ben Slosman

Mr. Johnny Penland, Penland Auction on Craven Street

Mr. Ray Owen, property owner down on the River

Mr. Arron Spears, Blue Ridge Metal Recycling

Mr. Jerry Dave, President of Dave Steel Company

Mr. Charles Messer, owner and operator of Western Carolina Livestock Market located on the west bank of the River -15-

Ms. H. Green, new property owner of The Candle Station on the River

Mr. Bob Jolly

Mr. Albert Sneed

Mr. Jerry Bailey, read a letter from the property owner at 174 Haywood Road

Mr. Dale Helton, representative of Asheville Waste Paper

Mr. Chris Peterson, property owner on the River

Mr. Bill Britt, Britt & Tilson Glass

Mr. Harley Dunn, River Bend Business Park

Mr. Alan Haight, property owner on the River

Mr. Doug Wilson, incoming Chairman of RiverLink, responded on the agreement Mr. Sternberg spoke about. He presented City Council with information going back to October 22, 1996, when the River District zoning was first discussed in a meeting with Mr. Sternberg, Planning staff, Ms. Karen Cragolin and Councilman Cloninger. Discussion centered around the grandfathering provision. Mr. Sternberg's letter to his group indicated that he was surprised to learn everything is grandfathered. The UDO applied to new construction. He included the minutes of RiverLink's Board of Directors where the report from that meeting was that they were looking forward to working together with Mr. Sternberg and his group. Mr. Sternberg sent a letter to Ms. Cragolin that day which talked about his surprise to learn that the UDO applied to new construction - everything is grandfathered. The UDO now provides mixed use. Our Board has never voted on any agreement with Mr. Sternberg, City Council or the Planning & Zoning Commission regarding the exact wording of the UDO. He has researched every Board meeting where it was discussed and cannot find where any agreement was entered into. Mr. Sternberg's letters have accused RiverLink of breaching these agreements. The 27 member Board of Directors have discussed this with no position on the UDO until the final resolution they passed endorsing the language put forth by the Planning & Zoning Commission for permitted and non-permitted uses with the amendment of conditional use review for anything that falls in the cracks. RiverLink would like many more restrictions in the UDO, but it is a reasonable compromise that they think is in the best interest of the City of Asheville and the River District.

Mayor Martin asked Planning & Development Director Julia Cogburn to respond to a concern Mr. Messer addressed. Ms. Cogburn said that in terms of permitted and prohibited uses in the River District, if individuals do not see a use on the permitted list that they would like to see on the permitted list, that issue should be raised before Council for consideration to place on the permitted list.

Mr. Sternberg explained his reasoning why he felt Ms. Cogburn's response was not acceptable. He felt it was not a good idea to get specific with what is permitted, because you cannot foresee what will be invented in the future. He said that in the October 1996 meeting, RiverLink representatives never mentioned that they had to take this back to their Board of Directors because they couldn't

negotiate. He recalled asking if there was anything else that they wanted to change and received no response.

Ms. Cogburn said that Council indicated they wanted staff to re-look everything that was permitted in all the other uses to make sure that they had not left anything out. She said that Mr. Sternberg is correct that if something is not on the permitted list or the prohibited list or the conditional use considerations (which is every other use that is allowed anywhere else), it would not be allowed and would require a text amendment. Basically, however, this is the most -16-

comprehensive list of any district in terms of really covering every single use that they can imagine at this point in time. Again, if there is something that they have forgotten, they would be glad to look at that, if Council directs.

Mr. Lloyd Sigman, Chairman of RiverLink, stated that they feel they never reached any kind of agreement about the prohibited/permitted use issue. He felt that Council should be guided about what they feel is the best for the River District and the entire population of the City of Asheville. That is their motivation. He spoke in support of RiverLink's position.

Councilman Worley spoke in support of RiverLink but also recognized that the dreams for the River has to be a collaborative effort. That collaborative effort cannot take place without the spirit of cooperation among all the parties involved. He felt the River Committee that met did come up with language that, after a number of discussions, was acceptable to all the parties involved. That certainly created the perception of an agreement. He recognized that changes came about when representatives of RiverLink requested the Planning & Zoning Commission to make some changes and the Commission did, in fact, make some changes based upon those requests. He think what happened, that created the problem, at that point in time, is those changes took place without the input of all the parties involved. That is where the mistake was made. He did not support the adoption of the changed language but was pleased to hear that discussions will be taking place between Mr. Wilson and Mr. Sternberg. He hoped everyone will keep an open mind to consider changes and compromises that will include all the parties.

Councilman Skalski agreed with Councilman Worley and felt there are many groups in Asheville that feel like they've been "steamrolled". He didn't realize there was this much division on this issue and wanted all the parties involved to have a say as to how that should be developed. He noted that there is no language in the UDO to allow people to engage in an on-going planning process.

Upon inquiry of Vice-Mayor Field, City Attorney Oast explained that as the proposal is right now, any use allowed elsewhere in the ordinance would be permitted by conditional use permit.

#### B. GROUP DEVELOPMENTS

On May 7, 1991, City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission ("Commission") relative to group developments at the next scheduled regular meeting of the City Council. In accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following actions were taken by the Commission on May 7, 1997:

##### Volunteers of America Elderly Housing

Ms. Erin McLoughlin, Urban Planner, said that the proposal is for a 51 unit elderly housing development to be located at 650 Caribou Road.

The proposal is for a two story, 51 unit elderly housing development. The parcel

is zoned R-2 (low to medium density residential). The project meets all zoning, parking, and landscaping requirements. Letters of approval have been received from the Water Resources Department, the Fire Department and MSD. -17-

Staff has received no comments in opposition to this group development.

The Planning & Development Department staff recommends approval of the group development with no conditions.

At their May 8, 1997, meeting, the Planning and Zoning Commission voted unanimously to recommend approval the group development with no conditions.

Vice-Mayor Field moved to set a public hearing on May 27, 1997, at 5:00 p.m. in the Banquet Room of the Asheville City Council to consider the request by the applicant for the City Council to determine the parking requirements for the Volunteers of America Elderly Housing Project (reduction of 38 parking spaces). This motion was seconded by Councilman Worley and carried unanimously.

#### Stockyard Mini-Warehouses

Mr. Carl Ownbey, Urban Planner, said that the proposed development is for 7 mini-warehouses and an office on 4 acres of an 11 acre tract of land located off Craven Street in West Asheville.

On April 7, 1997, the Planning Department received the site plan for the proposed mini-warehouses. The proposed project will be seven buildings (54,220 square feet) and an office building. The site plan was presented to the Technical Review Committee on April 14, 1997, for their comments.

On May 7, 1997, the Planning and Zoning Commission ("Commission") reviewed the site plan and opened the meeting for public comment.

The Commission voted unanimously to approve of the project with the following four conditions: 1) submittal of an erosion control plan, 2) acquisition of a driveway permit, 3) letter(s) on water and sewer availability, and 4) compliance with Section 30-3-14(G) of the ordinance.

The Planning Staff and the Commission recommend the approval of the Stockyard Mini-Warehouse with the four conditions.

Upon inquiry of Councilman Hay, Senior Planner Gerald Green explained what the UDO would do to this particular zoning.

Council accepted the report of the Planning and Zoning Commission with the above condition, thereby approving the project by taking no action.

#### C. UDO MAPPING

Ms. Susan Andrew requested that a section in Kenilworth (roughly Beaucatcher Road to the east and north, Aurora to the west and south, and Kenilworth Road completes the circle) be changed from the proposed RM-6 to RS-4.

Mr. Craig Justus, attorney representing the Hildebrand family, requested Council zone the Hildebrand properties off of Tunnel Road to Office Business, not RM-16.

Mr. Richard Hall, 414 Beaucatcher Road, requested that his property be zoned from RM-6 to RS-4 and that Council not rezone the -18-

Hildebrand property Office Business. He felt that both sides of Beaucatcher Road should remain a contiguous part of the neighborhood.



Ms. McClure, homeowner on Beaucatcher Road, requested her neighborhood remain residential and not rezone the Hildebrand property Office Business.

Mr. Luke Carpenter, Treasurer of the Kenilworth Residents Association, requested Council to support rezoning of both sides of Beaucatcher Road to RS-4.

Ms. Jane Hildebrand, resident of Chunns Cove, requested that her properties off Tunnel Road be zoned Office Business, not RM-16.

A resident on Beaucatcher Road hoped Council would keep his neighborhood zoned residential and not zone the Hildebrand property Office Business.

Mr. Brian Peterson, speaking on behalf of the Vermont and Brevard Avenue Neighborhood Association, requested Council to change the area around Brevard Road, Vance Crescent Extension and Vermont Avenue and the cross streets from the RM designation to RS-8.

Mr. James Beck, property owner of 31 acres on Deaverview Road, requested his property be zoned from RM-16 to CI.

Mr. Maude King, resident on Deaverview Road, supported Mr. Beck's request that his property be zoned from RM-16 to CI.

Mr. David Coffey, property owner on Deaverview Road, supported Mr. Beck's request that his property be zoned from RM-16 to CI.

Mr. Luke Carpenter, Treasurer of the Kenilworth Residents Association, requested Council change the RM-6 zoning in Kenilworth to RS-8.

Ms. Bernie Wolfe, resident in Albemarle Park, reminded Council the area residents are working on a Small Area Plan for Charlotte Street.

#### D. CLAIMS

The following claims were received by the City of Asheville during the week of April 18-24, 1997: Bobby Lawhorn (Water), American National Can (Water), Vince Wroblewski (Water), Gwendolyn Peay (Water) and Gene Cline (Water).

The following claims were received during the week of April 25-May 1, 1997: Little Caesar Pizza (Water), Bruce Hertzberg (Streets) and Judy Dawkins (Water).

These claims have been referred to Asheville Claims Corporation for investigation.

#### WORKSESSION - UNIFIED DEVELOPMENT ORDINANCE

Mayor Martin recessed the meeting at 7:44 p.m. and announced that City Council will hold a worksession beginning at 8:25 p.m. in Room 623 of the City Hall Building to discuss the new zoning maps for the Unified Development Ordinance.

Attached as Exhibit "A" is a three-page spreadsheet which City Council had before them as the worksession proceeded. The spreadsheet -19-

contains suggested revisions in specific categories with the Planning & Zoning Commission's recommendations noted.

On the first page of the spreadsheet, Nos. 24-36 are items that the Planning & Zoning Commission took up in an earlier worksession but did not vote on at their regular May 7, 1997, meeting. City Council asked that Nos. 24-36 be placed in a new category entitled "UDO Map revision requests with changes recommended by staff with consensus of the Planning & Zoning Commission."

Ms. Jane Mathews, Planning & Zoning Commission member, stated that there was an error in the Planning & Zoning Commission's vote on No. 19 - it should not be 5-0, but 4-1. She also pointed out that the Commission did vote on the items on the second page of the spreadsheet but the votes are not recorded on what Council has before them today. Ms. Cogburn apologized for the oversight and called out the votes.

City Attorney Oast said that all votes are informal and non-binding. The votes taken are just to determine what recommended changes go forward to the public hearing on May 27 for further consideration.

With the use of maps, City Council discussed and City staff answered various questions from City Council with regard to the following items listed on the first page of the spreadsheet which contain "requested changes recommended by both staff and the Planning & Zoning Commission". It was determined that items not discussed in that category would be included in the draft list of map amendments proposed by City Council which will be presented to the Council on May 27. The following numbers were discussed with the final City Council vote after each:

No. 10 Consensus

No. 12 5-1 (Skalski voting "no" and Cloninger not voting)

No. 16 Consensus

No. 17 6-1 (Skalski voting "no")

No. 18 4-3 (Cloninger, Sellers & Skalski voting "no")

No. 19 Consensus

No. 23 6-1 (Hay voting "no")

Mayor Martin then asked for comments from the public as they relate to Nos. 1-23.

Ms. Roberta Greenspan, Madison Avenue resident, requested City Council not zone No. 12 to Office, but keep it RM-8. She felt that RM-16 was not appropriate zoning in Nos. 16, 17 and 18 (especially with the lack of parking).

Upon inquiry of Ms. Leni Sitnick, Councilman Worley said that once the Charlotte Street Small Area Plan is adopted it would be applied to the UDO as a transition overlay.

Mr. Richard Kerber, resident on Albemarle, felt Council should not be changing the designation of RM-8 to RM-16 in Nos. 17 and 18 in the midst of the Charlotte Street Small Area Plan process. He would have liked to see more appreciation for the community process that is going on in that area.

Mayor Martin then asked for comments from the public as they relate to Nos. 37-64 located on the second page of the spreadsheet which contain "requested changes where no change is recommended by the staff and the Planning & Zoning Commission".

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Several unidentified residents spoke against rezoning the Charlotte Street area to CBII. An unidentified man felt that there was disappointment in the Charlotte Street community with the zoning in the area to CBII. He felt it looks like it's not an action in support of the community.

Ms. Leni Sitnick felt there was too much of a gap between CBI (12,000 square

feet) and CBII (45,000 square feet) in the Charlotte Street area. She wondered if there could be some kind of interim measurement that is more appropriate for the area.

When Councilman Cloninger asked for an approximate timeframe on getting the overlay completed on Charlotte Street, Ms. Cogburn said that staff can do a draft and make recommendations to Council within two-three months, however, the process will take longer trying to work out issues of debate, etc.

VII. ADJOURNMENT:

At 10:00 p.m., Mayor Martin adjourned the meeting.

Councilman Worley moved to continue this worksession following the Tuesday, May 20, 1997, formal worksession which begins at 3:00 p.m. This motion was seconded by Councilman Skalski and carried unanimously.

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CITY CLERK MAYOR

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