

Tuesday - September 23, 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 City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Worley gave the invocation.

INTRODUCTION OF GUESTS

Mayor Martin welcomed Ms. Kathy Kline and her 6th grade students from Carolina Day School.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING THE MONTH OF SEPTEMBER 1997 AS "SUBSTANCE ABUSE AWARENESS MONTH"

Mayor Martin read the proclamation proclaiming September, 1997, as "Substance Abuse Awareness Month" in the City of Asheville. He presented the proclamation to Mr. Matthew Bacoate who briefed the Council on the activities that will be taking place during the month.

B. PROCLAMATION PROCLAIMING THE MONTH OF OCTOBER AS "ASHEVILLE SISTER CITIES MONTH"

Mayor Martin read the proclamation proclaiming the month of October, 1997, as "Asheville Sister Cities Month" in the City of Asheville. He presented the proclamation to Mr. George Yates

who briefed the Council on the activities that will be taking place during the month.

C. PROCLAMATION PROCLAIMING THE MONTH OF OCTOBER AS "DOWN SYNDROME MONTH"

Mayor Martin read the proclamation proclaiming the month of October, 1997, as "Down Syndrome Month" in the City of Asheville. He presented the proclamation to Harry Weiss and his daughter Zoie, Cheryl Posey and her daughter Carolina, and Jeff Mosley and his daughter Beth. Mr. Weiss briefed the Council on the activities that will be taking place during the month.

D. PROCLAMATION PROCLAIMING OCTOBER 5-11, 1997, AS "MENTAL ILLNESS AWARENESS WEEK"

Mayor Martin read the proclamation proclaiming October 5-11, 1997, as "Mental Illness Awareness Week" in the City of Asheville. He presented the proclamation to Mrs. Betty Lane who briefed the Council on the activities that will be taking place during that week.

II. CONSENT AGENDA:

At the request of Councilman Skalski and Mr. Ralph Bishop, Item A. was removed from the Consent Agenda to be discussed individually.

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At the request of Mr. Ralph Bishop, Item L. was removed from the Consent Agenda to be discussed individually.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 1997, AND THE WORKSESSION HELD ON SEPTEMBER 16, 1997

This item was removed from the Consent Agenda to be discussed individually.

B. RESOLUTION NO. 97-156 - RESOLUTION AUTHORIZING SUBMITTAL OF FUNDING APPLICATIONS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT THROUGH THE HOMEOWNERSHIP ZONE AND SECTION 108 LOAN GUARANTEE PROGRAMS

Summary: The consideration of a resolution to approve submittal of funding applications to U. S. Department of Housing and Urban Development (HUD) to expand homeownership opportunities in the target area.

City Council will consider approving the submittal of an application to HUD for funding through the HUD Homeownership Zone and Section 108 Loan Guarantee Programs to increase homeownership opportunities in the target area designated as a homeownership zone. The target area will include the West End/Clingman Avenue neighborhood under Phase I and be expanded to surrounding neighborhoods such as West Asheville's WACT 10 area for the second phase. The goal will be to create at least 300 new single family homeownership opportunities as a result of the project.

Pisgah Legal Services is responsible for preparing the Homeownership Zone funding application and coordination with the private sector to leverage additional funding.

Deadline for submittal of the application is September 30, 1997. The Housing and Community Development Committee discussed the project on August 12, 1997, and September 9, 1997, and is supportive with the funding application.

RESOLUTION BOOK NO. 24 - PAGE 191

C. RESOLUTION NO. 97-157 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO SELL SURPLUS MOTOR VEHICLES, TRANSIT COACHES, OFF-ROAD EQUIPMENT AND OTHER SURPLUS PROPERTY AT PUBLIC AUCTION

Summary: Consideration of a resolution authorizing the Purchasing Director to dispose of City-owned personal property by public auction.

The resolution authorizes the City's Purchasing Division to hold a public auction to dispose of motor vehicles, transit coaches, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction is to be held Saturday, October 11, 1997, at 10:00 a.m. in the Public Works Complex, 161 S. Charlotte Street.

RESOLUTION BOOK NO. 24 - PAGE 192

D. RESOLUTION NO. 97-158 - RESOLUTION APPROVING THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE ISSUED AUGUST 15, 1997

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Summary: The consideration of approving the N. C. Dept. of Cultural Resource's updated Municipal Records Retention and Disposition Schedule issued August 15, 1997.

N.C. Gen. Stat. sec. 121-5 mandates that records defined under Chapter 132 may be disposed of only in accordance with an official records retention schedule. The N.C. Dept. of Cultural Resources, Division of Archives and History, has updated the 1984 Municipal Records Retention and Disposition Schedule.

This updated Schedule provides that records listed may be destroyed after the specified retention periods without further approval from the City or the N.C. Dept. of Cultural Resources, provided, the governing body has authorized the records listed for destruction to be destroyed through its blanket approval of the Retention and Disposition Schedule.

RESOLUTION BOOK NO. 24 - PAGE 193

E. RESOLUTION NO. 97-195 - RESOLUTION ENTERING INTO A CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION INC. TO REPAIR THE FACADE OF THE CITY DEVELOPMENT BUILDING (MARTIN BUILDING)

Summary: The consideration of the selection of a contractor to perform repairs of the facade of the City Development Building (Martin Building).

Over the course of the last few years, it has been determined that the facade of the City Development Building (Martin Building) is in need of repair. There is evidence of stucco and structural fastener deterioration and several large pieces of stucco have completely fallen off the building. A consulting architectural firm, Camille Alberice Architects PA of Asheville, was hired to determine the extent of repairs needed, and bid specifications and plans were drawn up accordingly. The scope of work was outlined as follows: Repair the front and back sides of the parapet wall, sidewalk, drywall ceiling, and structural fasteners. (Roof work was not included.)

On July 7, 1997, advertisement for bid letters were sent out requesting proposals for the above-described work. No bid proposals were received by the advertised bid date of July 18, 1997. The contractors were then contacted again, at which time they responded that the project was very specialized and they were therefore reluctant to bid. At that time there was a single contractor who expressed a willingness to research the project further and submit a proposal. On August 21, 1997, staff received a written proposal and, after review of these bid proposals, it was determined that Carolina Cornerstone Construction Inc. of Asheville would be selected as the successful bidder. It was then determined that City Staff would seek Council approval to enter into a contract to perform work listed in its proposal for \$35,865.

Staff recommends Council approval of the lowest responsible bidder, Carolina Cornerstone Construction. Inc., and requests Council to direct the City Manager to enter into contract for \$35,865 for repairs of the facade of the City Development Building (Martin Building).

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F. RESOLUTION NO. 97-160 - RESOLUTION RATIFYING THE DESIGNATION OF AN EXISTING TRAIL THROUGH THE NORTH FORK WATERSHED PROPERTY AS A SEGMENT OF THE NORTH CAROLINA MOUNTAIN-TO-SEA TRAIL

Summary: The consideration of a resolution authorizing the designation of an

existing trail through the North Fork Watershed Property as a segment of the North Carolina Mountains-to-Sea Trail.

The Carolina Mountain Club has approached the City to request the City's consent to an application for the inclusion of an existing trail through the North Fork Watershed as a segment of the "Mountains-to-Sea" Trail. The application is made to the North Carolina Department of Environment, Health and Natural Resources. The Club initially communicated to the City that the City's action was not needed until late in the Fall, but later discussions indicated that the City's consent was needed earlier. An appropriate investigation was conducted and there was no apparent problem with consenting to the application. The investigation and results are detailed in a Memorandum and letter, dated August 25, 1997.

RESOLUTION BOOK NO. 24 - PAGE 196

G. RESOLUTION NO. 97-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN FOR THE PURCHASE OF 285 LINEAR FEET OF 8-INCH SEWER LINE FROM BEAVER CREEK PARTNERSHIP TO SERVICE THE CARTER COVE COMMUNITY

Summary: The consideration of authorizing the expenditure of funds in the amount of \$12,000 to Beaver Creek Partnership for 285 linear feet of 8-inch private sanitary sewer line to connect an existing Metropolitan Sewage District (MSD) sewer line to a proposed 8-inch sanitary sewer line to service the Carter Cove community.

In 1994 Beaver Creek Partnership installed 285 linear feet of 8-inch sanitary sewer line to service a proposed subdivision called Beaver Creek Subdivision. City staff has copies of the receipts for the installation of the sewer line in the amount of approximately \$40,000. Following the installation of the sewer line Beaver Creek Partnership did not turn the line over to MSD for ownership, operation and maintenance. Therefore, this sewer line is still privately owned.

By purchasing this sanitary sewer line the City will not be required to acquire a separate easement and install an 8-inch sewer line paralleling the existing sewer line. The purchase of this line will result in a net savings of at least \$28,000. Should Council approve this purchase, the sanitary sewer line would be transferred to MSD for ownership, operation and maintenance.

Staff recommends that City Council authorize the City Manager to expend funds in the amount of \$12,000 to Beaver Creek partnership for 285 linear feet of 8-inch sanitary sewer line at the intersection of Beaver Dam Road and Carter Cove.

RESOLUTION BOOK NO. 24 - PAGE 197

H. RESOLUTION NO. 97-162 - RESOLUTION RESCINDING RESOLUTION NO. 96-172 WHICH AUTHORIZED THE CONVEYANCE OF SURPLUS BUSES TO ASHEVILLE SISTER CITIES INC.

Summary: The consideration to rescind Resolution 96-172 where the City of Asheville conveyed two of Asheville Transit Authority's surplus -5-

buses to the Asheville Sister Cities Program in September of 1996 to be sent to San Cristobal, Mexico, for their public use.

Through the Asheville Sister Cities Program, the City of Asheville had received a request from its sister city of San Cristobal, Mexico for surplus buses to be used for their school program. Since the Asheville Transit Authority had just recently replaced its entire fleet of transit buses, there were several buses available to be conveyed to the Sister Cities Program. In a 1996 resolution,

the City Council conveyed two of the surplus buses to the Sister Cities Program and authorized the surplus buses to be conveyed for public use by the Town of San Cristobal.

Since the time of conveyance of the two buses, the Sister Cities Program has tried to accomplish the task of shipping the buses to Mexico; however, with limited resources to ship the buses to Mexico, the Sister Cities Program is now declining the offer of the two buses and is requesting that the City of Asheville take the buses back.

The City Planning Staff and the Asheville Transit Authority recommend that the City Council take the two surplus buses back from the Sister Cities Program and place them in the next public auction (which is scheduled for October, 1997).

RESOLUTION BOOK NO. 24 - PAGE 198

I. RESOLUTION NO. 97-163 - RESOLUTION APPROVING THE TRANSFER OF THE WIND SONG SUBDIVISION PUMPING STATION PROPERTY TO THE CITY OF ASHEVILLE

Summary: The consideration of approval of the transfer of property to the City of Asheville for the Wind Song Subdivision pumping station property.

The water pumping station serving the Wind Song Subdivision was constructed in 1987. Since that time the City of Asheville has owned this facility and the Water Resources Department has been operating and maintaining it. It was recently discovered that the property where the pump station is located was never deeded to the City of Asheville. A deed for this property has now been prepared and the property is being offered to the City of Asheville by the Wind Song Estates Homeowner's Association.

It is relatively common for such property transfers to occur. Staff recommends that the City of Asheville accept the property that is being offered.

RESOLUTION BOOK NO. 24 - PAGE 199

J. RESOLUTION NO. 97-164 - RESOLUTION ACCEPTING THE REGIONAL WATER AUTHORITY'S RECOMMENDATION TO AWARD AN ENGINEERING SERVICES CONTRACT TO APPLIED GEOSCIENCES AND ENGINEERING INC. FOR THE BEE TREE DAM MODIFICATION PROJECT

Summary: The consideration of awarding an Engineering Services Contract to Applied Geosciences and Engineering, Inc., (AG&E)

Proposals for Engineering Services for the Authority's Bee Tree Dam Modification project have been received by the Authority. This project includes multiple components but by far the most significant is the expansion of the Bee Tree Lake's spillway. These proposals were solicited and reviewed in accordance with the policy of the Authority -6-

and the City of Asheville. The firm of AG&E was selected for this project and a contract has been negotiated in the amount of \$ 229,673.00. In response to the City's Risk Management Office, the Authority also agreed to pay the premium of \$ 30,295.00 for additional Professional Liability Coverage in the amount of \$ 5,000,000.00.

The Regional Water Authority approved award of this contract to AG&E on Tuesday, August 19, 1997. Staff recommends that City Council concur with the Authority's action by approval of this contract.

RESOLUTION BOOK NO. 24 - PAGE 200

K. RESOLUTION NO. 97-165 - RESOLUTION ACCPETING THE REGIONAL WATER AUTHORITY'S RECOMMENDATION TO AWARD A CONTRACT TO COOPER CONSTRUCTION COMPANY FOR THE GAP CREEK/CANE CREEK 12-INCH WATERLINE CONTRACT

Summary: The consideration of awarding a construction contract to Cooper Construction Company for the Gap Creek / Cane Creek 12-inch Waterline Contract.

Sealed bids were received for the Authority's Gap Creek / Cane Creek Road 12-inch Waterline on Thursday, July 10, 1997. These bids were received in accordance with NC General Statute 143-129 and in accordance with the City of Asheville's Minority Business Plan. A total of six bids were received, listed below in descending order:

COMPANY BID

Cooper Construction Company \$ 448,987.00

Steppe Construction Company \$ 520,744.00

Hobson Construction Company \$ 524,947.00

Wheeler Construction Company \$ 639,101.00

Buckeye Construction Company \$ 649,135.00

First South Utilities \$ 667,613.00

The Regional Water Authority approved award of this contract to Cooper Construction Company on August, 19, 1997 and staff recommends City Council's concurrence with the Authority's action.

RESOLUTION BOOK NO. 24 - PAGE 201

L. RESOLUTION DESIGNATING SIGN KNOWN AS STARNES AVENUE GROCERY SIGN LOCATED AT 65 STARNES AVENUE AS A LANDMARK SIGN

This item was removed from the Consent Agenda to be discussed individually.

M. RESOLUTION NO. 97-166 - RESOLUTION REGULATING CONSUMPTION AND POSSESSION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 1997 GREEK FESTIVAL

Summary: The consideration of a resolution allowing alcoholic beverages at Asheville's 11th Annual Greek Festival on October 3-5, 1997.

N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on public streets, and on property owned, occupied or controlled by the City. The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority. That ordinance, Section 11-11 in the Code of Ordinances, provides that the City Council may adopt a resolution making other provisions at special event or -7-

community festival. Asheville's 11th Annual Greek Festival Board, Holy Trinity Greek Orthodox Church and the Parks and Recreation Department recommends that possession and consumption of malt beverages and/or unfortified wine be allowed at Asheville's 11th Annual Greek Festival.

The Parks and Recreation Department recommends that City Council adopt a resolution allowing the possession and consumption of malt beverages and/or unfortified wine at Asheville's 11th Annual Greek Festival.

RESOLUTION BOOK NO. 24 - PAGE 202

N. RESOLUTION NO. 97-167 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSERVATION SERVICES AGREEMENT WITH THE TRUST FOR PUBLIC LAND FOR THE GREENWAY MASTER PLAN

Summary: The Trust for Public Land has received a grant from the Janeirve Foundation to prepare a greenway master plan for the City of Asheville.

The Trust for Public Land applied for and received a Janeirve grant to continue their work on greenways in Asheville. They received a total of \$75,000 of which \$25,000 is for their continued work on the Broadway Greenway and \$50,000 is for a greenway master plan. The Janeirve Foundation stipulated that the master plan monies (\$50,000) would need to be matched dollar for dollar. The Planning and Development Department had \$30,000 in this year's budget for greenway planning. This money will be used to match \$30,000 from the grant. A budget amendment in the amount of \$20,280 is necessary for reimbursable expenses that will be incurred during the master plan process. The budget amendment will transfer \$20,280 from the General Capital Fund Contingency for this purpose leaving a balance of \$70,720 in Contingency.

The City will be responsible only for those expenses actually incurred. Any monies not used in the master plan process will be used to leverage other funds for future greenway work.

The Planning and Development Department recommends (1) that the City Manager be authorized to sign the Conservation Services Agreement with The Trust for Public Land; and 2) that City Council adopt a budget amendment in the amount of \$20,280 so that The Trust for Public Land can begin work in September on a master greenway plan for the City.

Councilman Hay stated that he was very excited about the greenway master plan which was made possible by a grant from the Janeirve Foundation. He felt this was a small step toward historic ends.

RESOLUTION BOOK NO. 24 - PAGE 205

O. ORDINANCE NO. 2406 - BUDGET AMENDMENT RELATIVE TO THE GREENWAY MASTER PLAN

See Item P. above.

ORDINANCE BOOK NO. 16 - PAGE 291

P. RESOLUTION NO. 97-168 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR THE ACQUISITION OF PROPERTY INTERESTS FOR THE HAW CREEK GREENWAY

Summary: The consideration of a resolution authorizing the City, through the City Manager, to enter into a Memorandum of Understanding -8-

and other agreements on behalf of the City for negotiation of easements for certain property owners along the projected route of a proposed Haw Creek greenway.

The Haw Creek Homeowners Association has been working with the owners of the Haw Creek Mews Apartments and the Ice Service Stores to acquire easements along Haw Creek across their properties. These are relatively large tracts of land, and, because of their location at the intersection of Haw Creek on Beverly Road, acquisition of easements across them is crucial to the success of this neighborhood-initiated Greenway project, and to getting the project off to a

good start.

The projected sequence of events and documents, as with the recent greenway project which crossed a portion of UNC-A property, is to enter into a Memorandum of Understanding first, and then to negotiate construction easements and permanent easements as the plans for the greenway develop and construction is undertaken and completed. The Memorandum commits the parties to this process, subject to working out details. No money is committed by the City and no property interest is acquired by the City at this point.

The resolution authorizes the City, Mayor or City Manager, to obtain appropriate agreements for the acquisition of property interests for the Haw Creek Greenway, but contemplates that these agreements will be negotiated by the Haw Creek Homeowners Association. For the present, this Resolution will only apply to the two owners named above, but authorizes negotiations with other owners as well. No commitment of funding for construction or maintenance of a greenway is authorized at this time.

Councilman Worley was pleased on the progress of the greenways in Asheville.

RESOLUTION BOOK NO. 24 - PAGE 206

Q. RESOLUTION NO. 97-169 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING DISPOSAL PARCEL 10.1 ON CARROLL AVENUE IN THE EAST END/VALLEY STREET COMMUNITY

Summary: The consideration of authorizing the Mayor to execute necessary documents to effect an exchange of property with the Housing Authority of the City of Asheville in order to facilitate several beneficial projects.

The City Council directed the City Clerk to publish a notice regarding its intent to exchange 4.9 acres of land on Kentucky Drive which the City owns for 7.4 acres of land on Bartlett Street which the Housing Authority owns. The notice was published on August 29, 1997. No public comments have been received.

The exchange will facilitate the following:

- The construction of 48 units of affordable elderly housing via the sale of the Murray Hill site to the Douglas Company;
- The construction of 17 units of affordable single family owner-occupied housing via collaboration with the Housing Authority to build a subdivision on the Kentucky Drive site; and

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- The construction of a passive park by Parks and Recreation Department on the Bartlett Street site.

The City's property on Kentucky Drive is valued by the Buncombe County Tax Office at \$49,700 and the Authority's property on Bartlett Street is valued at \$124,800.

Approval of the resolution will authorize the Mayor to execute the necessary documents to effect the exchange of the properties as provided in N. C. G. S. 160A-271.

Community Development staff recommends adoption of the resolution.

RESOLUTION BOOK NO. 24 - PAGE 207

R. RESOLUTION NO. 97-170 - RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH MATTERN AND CRAIG CONSULTING ENGINEERS TO PROVIDE ENGINEERING AND SITE DESIGN SERVICES FOR THE BROADVIEW DRIVE SUBDIVISION

Summary: The City of Asheville is seeking engineering and site design services for the development of a single family, owner occupied housing subdivision affordable to low and moderate income families.

The Community Development Division issued a Request For Proposals for Engineering Services to design the Broadview Drive single family affordable housing subdivision on August 1, 1997. Eight proposals were received. An RFP Committee of City and Habitat staff reviewed the proposals and selected two firms for interviews. The Committee interviewed two firms and selected Mattern & Craig, Inc. based on experience and qualifications. A contract price was then negotiated by staff. The contract includes requirements to design the infrastructure for this affordable housing single family homeownership subdivision including layout of the lots and open space and park area. The engineer is to complete design and have final submittal to the City no later than February 15, 1998. The consultant will prepare bid specifications and assist with awarding the construction contract and inspect the construction of the project. The contract calls for completion of construction by September 1, 1998 and involvement of community residents throughout the design and construction. Cost of the consultant services is \$37,300.

RESOLUTION BOOK NO. 24 - PAGE 208

S. RESOLUTION NO. 97-171 - RESOLUTION ADOPTING FEES AND CHARGES FOR PUBLIC WORKS SERVICES FOR THE CITY'S SPECIAL EVENTS PACKAGE

Summary: The consideration of the fees charged by the Public Works Department for non-sponsored events.

The City currently has a policy for providing City resources such as staff time (overtime), barricades, signs, sanitation services, street cleaning, tip fees, police security and traffic control at no charge to a sponsor(s) if an event is designated as a City co-sponsored event.

The Public Works Department is typically involved in street barricades, banners, signage, sanitation (trash pickup), street sweeping and general labor.

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Conversely, events that are not co-sponsored by the City are charged based upon an estimate of costs for the aforementioned resources which must be paid in advance. Also, many such events require Public Works, Parks and Recreation and Police staff to work after hours at overtime pay rates. Such events can have a significant impact to operating budgets.

For fiscal planning purposes it is important for departments which are supporting co-sponsored events to budget the appropriate funds for necessary services under the current fee system. Non-sponsored customers requesting special event services are assessed estimated actual costs for labor, equipment and supplies, which may give some groups and organizations the perception that there is an inconsistent administration of this program. Secondly, the City may not always possess the appropriate number of barricades for a particular event (due to use in normal operations), which necessitates the rental or purchase of additional barricades (the costs of which are passed on to the sponsor).

The information collected provides no definitive or consistent policies among them with the exception of MUTCD standard traffic control plans. Based upon

this data, the unique characteristics of each City were in all likelihood considered in developing each policy.

Aside from wear and tear on vehicles and equipment, the use (or loss) of supplies related to special events is primarily due to the damage or theft of traffic control barricades and cones. Thus, in order to maintain the appropriate level of barricades necessary for routine/non-routine public works projects, special construction activities and special events needs, it is necessary to purchase them on a regular basis.

An alternative to the rental and placement of barricades by City staff would be for event sponsors to rent such from private suppliers and placement and removal in accordance with the approved traffic plan.

It is important to strike a balance between the needs of the community and the general public, individuals and businesses potentially affected by special use (and restrictions) of rights-of-ways, through staff accommodation and a sensible policy for the administration of such events.

Based on a balance of needs, following are recommendations as related to Public Works services:

1) City co-sponsored event (as budgeted in approved annual budget): No Cost

2) Non-sponsored events utilizing City resources:

a) Labor: Full cost recovery (to include overtime if necessary)

Customer may contact DPW prior to event for estimate of costs.

b) Barricades (to include rental rates for Special Construction Activities):

• Type III: \$25 each per day

• Type II: \$10 each per day

• Cones: \$5 each per day

• Detour signs: \$5 each per day

• Meter bags: \$5 each per day -11-

c) Vehicles: (based on fuel, operations, maintenance, and wear and tear)

• Pickup truck: \$12 per hour

• Aerial bucket truck: \$20 per hour

• Forklift: \$15 per hour

• Sanitation truck: \$40 per hour

• Tipping fee (solid waste): \$31 per ton

• Street Sweeper: \$40 per hour

• Street Flusher: \$40 per hour

d) Banners/decoration installations:

- \$100 deposit
- \$5 per banner (no size limit)

There are currently concessions made for use of City/County Plaza for smaller events (waiver of barricade fees) in an effort to accommodate smaller events.

It is staff's opinion that the above rate schedule represents a fair and equitable compromise between the event sponsor's use of public space and the City's support services.

RESOLUTION BOOK NO. 24 - PAGE 209

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

Vice-Mayor Field moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

Vice-Mayor Field moved that for future meetings, the approval of the minutes be an item under "Other Business". This motion was seconded by Councilman Worley and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL DISCUSSION

APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 1997, AND THE WORKSESSION HELD ON SEPTEMBER 16, 1997

Councilman Skalski asked that the minutes of the September 16, 1997, worksession be amended to include the additional sentences on page 8 in fourth full paragraph, relative to the revised City's Economic Development Policy. "He showed Council a graph which showed that approximately 80% of all new jobs created in the United States come from companies with four or less employees. That statistic relates to the amount of grant money that should be allocated to the different sized companies and he felt that more emphasis should be placed on that. He would work with Mr. Scaralia on this issue. With respect to tax structure and how it relates to jobs, he said the higher your taxes are per capita, the harder it is to attract new businesses into an area. He then questioned Asheville's policies on annexation and showed Council a chart based on the 1994-95 revenues and expenditures taken from "Fiscal Summary of North Carolina Municipalities for the fiscal year ended June 30, 1995." He explained that the chart showed that any city over 50,000 in population has a dramatic increase in taxes and when you annex more land into the City, your taxes go up. He felt Council should look at those items when they are looking at economic plans."

Mr. Ralph Bishop, resident of the City of Asheville, voiced opposition to the adoption of the minutes since he felt that "full and accurate" minutes should be verbatim.

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Councilman Sellers moved to approve the minutes of the regular meeting held on September 9, 1997, and the minutes as amended by Councilman Skalski of the worksession held on September 16, 1997. This motion was seconded by Vice-Mayor Field and carried unanimously.

RESOLUTION NO. 97-172 - RESOLUTION DESIGNATING SIGN KNOWN AS STARNES AVENUE GROCERY SIGN LOCATED AT 65 STARNES AVENUE AS A LANDMARK SIGN

Summary: The consideration of a request from the owner of the Asheville Store for landmark designation of the Starnes Avenue Grocery Sign, located at 65 Starnes Avenue.

The large metal parapet signs located atop the store were installed fifty years ago, when Montford was a much larger community and corner groceries thrived. The sign was intended to reach the larger community in an attempt to draw-in customers.

The sign meets criteria A for landmark designation for the following reasons.

A. The Starnes Avenue Grocery sign is an icon for the Montford Community and is a part of the community's collective memory. Neighborhood corner grocers once the norm are now the exceptions. The sign stands along the rooftop and conveys a message to the reader, it is mixed with names, products, and images of Coca Cola.

B. "Historic signs once allowed buyers and sellers to communicate quickly, using images that were the medium of daily life. Surviving historic signs have not lost their ability to speak. But their message has changed. By communicating names, addresses, prices, products, images and other fragments of daily life, they also bring the past to life."

At their regularly scheduled June meeting, the Historic Resources Commission, by a unanimous vote, recommended to City Council that the Starnes Avenue Grocery signs be designated a landmark sign.

Mr. Ralph Bishop felt that the whole building located at 65 Starnes Avenue should be torn down. And when he inquired who made the landmark sign request, Ms. Maggie O'Connor, HRC Director, said that Diane Young, the owner of 65 Starnes Avenue, made the request.

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

Councilman Sellers moved for the adoption of Resolution No. 97-172. This motion was seconded by Vice-Mayor Field and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 211

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO REZONING FIVE PROPERTIES ON OR BEHIND EAST CHESTNUT STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY TO OFFICE

Mayor Martin said that this public hearing was continued from September 9, 1997, until today in contemplation of the possibility that -13-

the petition be withdrawn. Mayor Martin then announced that the petitioners have withdrawn their request.

B. PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF OLD HAYWOOD ROAD

Mayor Martin opened the public hearing at 5:27 p.m.

Councilman Cloninger requested to be excused from voting since one of the petitioners is a long-standing client of the law firm he works for. Councilman Worley moved to excuse Councilman Cloninger from voting. This motion was seconded by Councilman Sellers and carried unanimously.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Ms. Suzanne Molloy, Assistant Director of Public Works, said that a petition which includes the affidavits of Thomas Lee Finger, A. Jerome Dave (Dave Steel Company), Sherry F. Rice (Duo Investors), Michael Boyd Rice (Trio Investors) has been received requesting that Old Haywood Road, also know as West Haywood Street, between Park Avenue and Roberts Street be permanently closed to public use. Duo and Trio Investors own all of the property with frontage on this portion of Old Haywood Road that has been petitioned to be closed.

By use of a maps, she showed Council the portion to be closed. She explained that the road used to go all the way to Clingman Avenue and in 1987 City Council permanently closed the portion of the street known as East Haywood Street. The remaining portion of the street shown as Old Haywood Road, also known as West Haywood Street, was not closed at that time and has remained vacant. The adjoining property owners have actually been using a portion of Old Haywood Road for the past 15 years to store their material on it, under the impression that the entire road was closed in 1987. All but one property owner adjoining this portion signed the petition to close and the property owner was notified by certified mail of this public hearing. The Fire Department has no problem with the closing and all utility companies have been notified. The City of Asheville will need to retain a 20-foot easement for the Metropolitan Sewerage District and a 20-foot easement for the City of Asheville for the full length and width of Old Haywood Road, from Roberts Street to Park Avenue.

The West End/Clingman Avenue neighborhood ("WECAN") has asked that the City not close the portion of this right-of-way due to the fact that there is no plan for the River District and the City should be looking at keeping land so if the City ever decides to put in a greenway or a link between the River and downtown this could be potentially used.

Ms. Molloy said that since the individual has been using a portion of this property for 15 years, as opposed to using the whole portion of the road, he may actually have the right to come back for a withdrawal of dedication on one portion of the road if legally he has the right to withdraw that right-of-way.

Public Works Department staff recommends permanently closing a portion of Old Haywood Road, also known as West Haywood Street, between Park Avenue and Roberts Street.

Upon inquiry of Mayor Martin about the possible use of this as a greenway, Ms. Molloy pointed out, from a Public Works viewpoint, that there is State right-of-way on the right hand side and you can typically -14-

get encroachments for greenways. However, that is a dead-end tract and if a greenway were to go through, you would have to re-open the other end of the road and buy property on the other side of the bridge to carry it on through.

Mr. Michael Rice, petitioner, stated that they were under the impression that the road was entirely closed back in 1987 and then they started using the concrete area to store their inventory. After they sold their company, the purchasing company stayed in the facility and as of last year they decided to move out. At that time he did some research on the property and found out that that portion of Old Haywood Road was not closed. All that is there now is part of a street less than 300 feet long going nowhere. They have been maintaining that portion over the past 15 years. He said that closing it will match it up to the rest of the street that has been closed and the City can start collecting taxes on it.

Upon inquiry of Councilman Hay about the urgency to close, Mr. Rice said that the people that are leasing the facility now are uneasy about this because they are storing inventory on the property.

Ms. Geraldine Melendez, homeowner in the West End/Clingman Avenue neighborhood, urged City Council to delay action on this until the neighborhood can explore other opportunities. They are rebuilding their neighborhood and don't want everything to be industrialized. They would like time to discuss this with the property owners, the neighborhood association, and the Planning Department to establish what the long-term plan is for the neighborhood and if that would coincide with the major master plan they want to see their neighborhood turn into. They asked that this matter be postponed for at least a year.

Mr. Scott Dedman, Executive Director of Mountain Housing Opportunities, said that they are working with the City and the neighborhood association to implement the 2010 Plan for the West End/Clingman Avenue. It is the specific goal of the Plan to foster continued residential uses in the areas above the area between Clingman Avenue and the River. The Plan also calls for a change in land use over time from Heavy Industrial to either commercial industrial or commercial services. The WECAN voted unanimously to ask for a delay. They stated that a more detailed master plan is needed for this neighborhood. The greenway connections between downtown and the River are called for in the Plan and also in RiverLink's plans, but the specific route is not specified. By use of some handouts, he showed Council three possible routes, one of which utilizes this portion of road. He urged City Council to delay so they can work with the Planning Department, RiverLink, the WECAN and the other non-profits involved in the homeownership zone for an intensive master planning effort between now and next summer.

Rev. Pat Jenkins, Pastor of Haywood Street United Methodist Church, urged Council to delay action.

Ms. Sherry Rice, petitioner, stated that they are not planning any changes to the property.

Ms. Lu Heetderks, neighborhood resident, said that once this land is given to private use, the citizens can't get it back as easily. She urged Council to wait until the planning is completed for the riverfront and WECAN area.

Mayor Martin closed the public hearing at 5:50 p.m.

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Vice-Mayor Field said that since the greenway master planning process is scheduled to be completed in June, she suggested delaying action on this matter until the end of June. She saw no reason not to close this portion if the City didn't need it for a greenway.

Vice-Mayor Field asked if there would be a problem with the owner using the property as they have used it for the past 15 years if Council delayed this matter. City Attorney Oast said that he would investigate as to whether or not it would be possible to enter into some sort of interim arrangement that would permit that use during the time City Council was waiting to decide, if that is what Council chooses.

Vice-Mayor Field then moved to (1) table this matter pending receipt of further information relative to the advisability of including this within the greenway master plan but to come back to City Council no later than the end of June, 1998 for action, and (2) instruct the City Attorney to come up with some kind of agreement with the property owner so that they can continue to use the

property until such time City Council makes a decision on this issue. This motion was seconded by Councilman Skalski.

City Attorney Oast said that when the matter is brought back to City Council the individuals who spoke tonight will receive notification.

C. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE WITH REGARD TO CHANGEABLE COPY SIGNS, CHURCH SIGNS AND SIGNS IN THE RIGHT-OF-WAY

ORDINANCE NO. 2407 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE WITH REGARD TO CHANGEABLE COPY SIGNS, CHURCH SIGNS AND SIGNS IN THE RIGHT-OF-WAY

Mayor Martin opened the public hearing at 5:56 p.m.

City Clerk Burlison presented the notice to the public setting the time and date of the public hearing.

Ms. Julia Cogburn, Planning & Development Director, said that the Planning and Zoning Commission has recommended an ordinance amendment to Chapter 7, the Unified Development Ordinance, with regard to changeable copy signs, church signs and signs in the right-of-way.

She gave a brief description of each of the proposed changes:

1) Changeable copy signs - the wording amendment changes the definition of changeable copy signs to allow for automatic changeable copy signs in addition to manual changeable copy signs. Automatic changeable copy signs are those changed by computer rather than by physically changing the letters on a sign. Other cities have made similar definition changes noting as we have the change in technology and the fact that automatic changeable copy signs often have a better appearance and are easier to maintain than the manual changeable copy signs.

2) Right-of-way signs - this wording amendment extends the permitted right-of-way signage to allow for signs which designate the right-of-way as being maintained by a certain group and/or in recognition of a certain person. This wording amendment came about after a request for a permit from an organization wishing to erect just such a sign. An allowed sign would have to be approved by the governing -16-

body having jurisdiction over the right-of-way and could be no greater than six (6) square feet per face or taller than four (4) feet high.

3) Signs for churches in residential districts - this wording amendment increases the size of allowable signage for churches, schools and other institutions in residential districts by only six (6) feet over the currently permitted signage, however, the amendment allows for greater flexibility in using the signage allowed.

The Planning and Development Staff recommends approval of the wording amendment. At the meeting of the Planning and Zoning Commission on September 3, 1997, the Commission voted 5-0 to recommend the wording amendment to the Asheville City Council.

Upon inquiry of Mr. Ralph Bishop about ordinances being read on three separate days, City Attorney Oast said that on June 28, 1993, the N. C. Gen. Assembly ratified changes in Asheville's City Charter. One change included in that legislation is the repeal of the Charter requirement that ordinances be read on three separate days. The general law to which the City is subject requires a second reading where an ordinance does not receive 2/3's vote. At Mr. Bishop's

request, City Attorney Oast said that he would furnish Mr. Bishop with a copy of that Session Law.

Mayor Martin closed the public hearing at 6:03 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Worley moved for the adoption of Ordinance No. 2407. This motion was seconded by Vice-Mayor Field and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 293

D. PUBLIC HEARING TO REZONE 1741 HENDERSONVILLE ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY TO INDUSTRIAL

ORDINANCE NO. 2408 - ORDINANCE TO REZONE 1741 HENDERSONVILLE ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY TO INDUSTRIAL

Mayor Martin opened the public hearing at 6:04 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Councilman Cloninger asked to be excused from voting since the petitioner, Mr. Carroll Hughes, is a client of the law firm for which he works. Councilman Worley moved to excuse Councilman Cloninger from voting. This motion was seconded by Councilman Sellers and carried unanimously.

Vice-Mayor Field asked to be excused from voting since the petitioner is her employer. Councilman Sellers moved to excuse Vice-Mayor Field from voting. This motion was seconded by Councilman Worley and carried unanimously.

Ms. Erin McLoughlin, Urban Planner, said that this is consideration of an ordinance to rezone 11.68 acres off Hendersonville Road (PIN No. 9655-05-29-2688) from RM 16 to HB.

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The subject property is located east of Hendersonville Road, behind the Hollywood Cinemas. The current RM16 zoning is a multi-family high density residential district which permits a full range of high density multi-family housing types along with limited institutional, public and commercial uses appropriate within high density residential areas. The Highway Business district is established to address the needs of commercial development along major thoroughfares. After reviewing the request, which included a review of the 2010 plan, current land use, current zoning patterns and infrastructure, staff feels that Institutional zoning may be most appropriate for this area. The Institutional district was established to reserve land for the development of educational facilities, major medical facilities and other complementary and supporting uses such as health related developments, office developments, and public services. Development standards for uses in this district are established to minimize conflict with adjacent land uses.

Staff has received no comments in opposition to this rezoning.

The City Planning and Development staff recommends denial of the HB rezoning request. Staff recommends the Institutional district as an appropriate district for this area.

At their September 3, 1997, meeting, the Planning and Zoning Commission voted 5-0 to recommend approval of the Institutional district for this parcel.

Mr. Tracy McFarland, resident of Crowfields, spoke in favor of the rezoning this land to Institutional.

Mayor Martin closed the public hearing at 6:09 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Worley moved for the adoption of Ordinance No. 240. This motion was seconded by Councilman Sellers and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 295

E. PUBLIC HEARING TO ZONE A PARCEL OF LAND OFF HENDERSONVILLE ROAD (WHICH WAS PREVIOUSLY IN THE TOWN OF BILTMORE FOREST) TO INSTITUTIONAL

ORDINANCE NO. 2409 - ORDINANCE TO ZONE A PARCEL OF LAND OFF HENDERSONVILLE ROAD (WHICH WAS PREVIOUSLY IN THE TOWN OF BILTMORE FOREST) TO INSTITUTIONAL

Mayor Martin opened the public hearing at 6:10 p.m.

City Clerk Burlison presented the notice to the public setting the time and date of the public hearing.

Ms. Erin McLoughlin, Urban Planner, said that this is consideration of an ordinance to zone a parcel of land which was previously in the Town of Biltmore Forest (PIN No. 9647-11-66-4454) to Institutional.

The subject property is located west of Hendersonville Road and south of I-40. It is 10.16 acres in size. Currently this parcel is vacant and relatively flat. The parcel is bordered by Institutional -18-

zoning to the east, the Town of Biltmore Forest to the west and south, and I-40 to the north.

Staff has received no comments in regard to this zoning.

The City Planning and Development staff recommends Institutional as the appropriate zoning for this parcel.

At their September 3, 1997, meeting, the Planning and Zoning Commission voted 5-0 to recommend Institutional zoning for this parcel.

Mayor Martin closed the public hearing at 6:12 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Field moved for the adoption of Ordinance No. 2409. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 297

F. PUBLIC HEARING TO ADD A MANUFACTURED HOUSING OVERLAY TO PROPERTY ZONED RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY LOCATED AT THE END OF FOREST RIDGE DRIVE (OLD BEAR CREEK ROAD)

ORDINANCE NO. 2410 - ORDINANCE TO ADD A MANUFACTURED HOUSING OVERLAY TO PROPERTY ZONED RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY LOCATED AT THE END OF FOREST RIDGE DRIVE (OLD BEAR CREEK ROAD)

Mayor Martin opened the public hearing at 6:14 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Urban Planner, said that the petitioner, Trina Chapman, requested consideration of a manufactured housing overlay to three lots, comprising of 16 acres, zoned RM-16 Residential Multi-Family High Density located on Old Bear Creek Road and Forest Ridge Drive. PIN Nos. for the lots are: 9629.18-30-5167, 9628.06-39-4975, and 9628.06-49-3422. The lots are zoned RM-6. Two are currently vacant and one has a single family home on it. They are adjacent to an existing Manufactured Housing Overlay zone located on Old County Home Road. The Asheville City 2010 Plan calls for low density residential in this area. A number of area residents and property owners have voiced opposition to the application of the zoning overlay.

Staff recommended that application of the Manufactured Housing Overlay be approved for an approximately three acre northern portion of one lot (PIN No. 9629.18-30-5167) and denied for the other two lots. Upon reviewing the request and hearing from the petitioner and the public, the Planning & Zoning Commission recommended that the Manufactured Housing Overlay be approved as recommended by the staff.

The Asheville Planning & Zoning Commission, by a 5-0 vote, recommended that the Manufactured Housing Overlay zone be applied to an approximate three acre northern portion of one lot (PIN No. 9629.18-30-5167) and denied for the other two lots.

Mayor Martin closed the public hearing at 6:16 p.m. -19-

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Sellers moved for the adoption of Ordinance No. 2410 to add the Manufactured Housing Overlay zone be applied to an approximate three acre northern portion of PIN No. 9629.18-30-5167. This motion was seconded by Councilman Skalski and carried unanimously.

ORDINANCE BOOK NO. 16 - PAGE 299

V. UNFINISHED BUSINESS:

A. CONTINUATION OF APPROVAL OF THE BUFFERING PLAN FOR THE GROUP DEVELOPMENT OF BROOKS-HOWELL VILLAGE

Mayor Martin said that the public hearing on this matter was held on August 26, 1997. On that date, Mr. Carleton Collins, architect for the project, said that even though the drawings submitted adhered to the ordinance in terms of what the composition of the buffer should be, he would be happy to meet with the adjacent property owner to determine exactly what the buffer would be.

Mr. Mike Matteson, Urban Planner, described the landscape buffer plan along the west property line between the proposed multi-family development and a single family residence. That plan was the result of the meeting between the architect and property owner. Staff feels this plan meets the intent of our landscape ordinance and the City's landscape architect feels the plan is an appropriate

design.

Ms. Betty Lawrence, property owner, felt that the plan will meet the intent of the ordinance. She suggested that the plants be flagged by the landscape architect.

Mr. Carleton Collins, architect for the project, said that it is not their intent to have the landscape architect flag the plants, however; he felt sure that they would be laid out in a nice pattern between the trees.

Councilman Cloninger moved to approve the alternate buffering plan for Brooks-Howell Village. This motion was seconded by Councilman Sellers and carried unanimously.

V. NEW BUSINESS:

A. DISCUSSION - SIGN ORDINANCE REGARDING OUTDOOR ADVERTISING

Planning & Development Director Julia Cogburn said that at the Council Worksession held September 16, 1997, City Council directed staff to look at revisions to the Unified Development Ordinance as it pertains to outdoor advertising signs and to come back to them with additional information on some suggested revisions. The particular suggested revisions deal with the regulations pertaining to outdoor advertising signs (billboards). Council's interest was in looking at sending these wording amendments to the Planning & Zoning Commission for review at their October meeting.

The three draft ordinance changes which will be considered by the Planning & Zoning Commission are as follows:

- 1) Prohibiting any new outdoor advertising signs in the City of Asheville's zoning jurisdiction. -20-
- 2) Requiring some/all existing outdoor advertising signs in the city's jurisdiction to come into compliance within a seven year period (signs in addition to those currently subject to coming into compliance). The additional signs required to come into compliance could incorporate:
 - a) all outdoor advertising signs in the city's jurisdiction; or
 - b) all outdoor advertising signs in the city's jurisdiction not currently complying with the city's sign regulations (this would cause to come into compliance those currently grandfathered due to their compliance with the 1977 regulations).

The current sign regulations classify outdoor advertising as off-premise signage and do not distinguish billboards, or outdoor advertising, from other kinds of off-premise signage. Off-premise signs are allowed in the CBII(Community Business II), HB(Highway Business), RB(Regional Business), CI(Commercial Industrial) and I(Industrial) districts, with a limitation of 150 feet per face and a maximum of 25 feet in height. A number of spacing restrictions are also included in the ordinance requirements.

On September 16, the Council indicated that it did not want to look at prohibiting other, directional-type, off-premise signs, nor did it want to look at requiring those signs to come into compliance beyond what is already required. The staff is looking, in conjunction with Council's request, at new regulations effecting the other types of off-premise signage.

Council had asked for some information indicating the numbers of signs that

might be affected by the suggested changes. A chart is provided below.

Total Outdoor Advertising (Billboard) Signs 165

(1990 Survey Base Data)

Removed to Date 39

Subject to Federal Law Protections (Cannot 22

Be Subject to Coming into Compliance)

Comply with Current Sign Ordinance Regulations 14

Comply with 1977 Ordinance but Not Current 48

Sign Ordinance Regulations

Signs Still to Come Down/Into Compliance Per 42

the Current Regulations

After all signs are brought into compliance under the current regulations, 84 outdoor advertising signs will remain in the city's jurisdiction. An ordinance requiring all signs to come down (if Council passes an ordinance prohibiting outdoor advertising) would affect 62 signs. Those 22 remaining would be those subject to protection under state and federal laws. An ordinance requiring those not complying with the current regulations to come down would affect 48 signs -- leaving 36 signs within the city's jurisdiction.

Upon inquiry of Vice-Mayor Field, Ms. Cogburn said that since the 1989 ordinance was enacted, only one application has been received for a billboard. The application was approved, however, the billboard was never erected.

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Discussion surrounded what type of signs would be required to come into compliance.

Mr. Darryl Merchant, General Manager of Fairway Outdoor Advertising, stated that his company provides a valuable and essential service to business. Fairway has and continues to try to comply with the many changes Asheville requires of sign companies and they have made significant expenditures coming into compliance. He urged City Council to consider the economic impact, impact to the traveling public, economies of other communities in the area, and impact on loss of jobs in billboards and tourism related fields if they proceed in the direction Councilman Cloninger is requesting.

Mr. Mike McCurry, tourist, said that he would rather not see the billboards along the highway.

Ms. Anne Campbell, Asheville native, said that she returned to Asheville because of the beautiful mountains and felt that billboards obliterate the view of those mountains. She said the topography of this area is very special and should be enhanced, not blocked by billboards. She urged Council to move forward with the elimination of billboards.

Mr. Frank Martin, resident of Asheville, cited several states that prohibit billboards noting that those states are prosperous and destination states for vacations. They have control over their environment and felt Asheville should

do the same. Since Asheville has been designated as an All America City, we should protect it.

Mr. Jeff Nolan, Fairway Outdoor Advertising, said that the reason there has only been one application applied for since 1989 is that restrictions on new sign locations in Asheville are so restrictive. Because of those restrictions, the prohibition of new billboards is already being accomplished. He said that signs are erected because businesses need them. His company has spent millions of dollars to lease and buy property in Asheville and they are a legitimate business working with the City to come into compliance. They have already taken three structures down at considerable expense with no compensation.

Councilman Cloninger felt that people come to Asheville for the natural beauty of the area and we need to do what we can to protect that beauty.

City Attorney Oast said that no action is necessary by City Council at this time since at their worksession last week Council instructed Planning staff to draft revisions pertaining to outdoor advertising signs for presentation to the Planning & Zoning Commission at their October meeting.

B. RESOLUTION NO. 97-173 - RESOLUTION AMENDING THE CITY'S FEES & CHARGES MANUAL

City Manager Jim Westbrook said that during the budget process, three items related to fees and charges were omitted from the information presented to City Council. Staff requests City Council consideration of these items so as to become effective September 23, 1997.

The Engineering Department of the City of Asheville is requesting that the Asheville Standards Specifications and Details Manual be sold in Manual form for \$25 per copy and the standard details be sold in a 10-Disk set for \$100, plus shipping charges if applicable.

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The Engineering Department is also requesting that a maximum for street cut permit fees be set at \$ 2,500. Staff has evaluated the fee schedule for street cuts and feels that a maximum fee is appropriate for the large job size. This amount was reached based on a review of data from previous projects with large street cuts.

The Administration Department has drafted a copy fee policy that would be applicable to all City departments and addresses the different types of documents available for duplication.

Staff recommends that the City Council adopt the new fees effective September 23, 1997.

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

Vice-Mayor Field moved for the adoption of Resolution No. 97-173. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 213

C. RESOLUTION NO. 97-174 - RESOLUTION REQUESTING THE BUILDING CODE COUNCIL FOR THE AUTHORITY TO REVIEW PLANS AT THE LOCAL LEVEL AND BE EXEMPT FROM THE REQUIREMENTS FOR CERTAIN PLANS TO BE REVIEWED BY THE DEPARTMENT OF INSURANCE

Director of Building Safety Terry Summey said that this is consideration of a

request to The Building Code Council for the authority to review plans at the local level and to be exempt from the requirements for certain plans to be reviewed by the Department of Insurance.

The North Carolina State Building Code, Volume 1-A, requires plans for certain facilities to be submitted and reviewed by the Department of Insurance (DOI) engineering staff. This review generally takes several weeks, or months to complete and may delay the issuing of the building permit by the local jurisdiction. If the local jurisdiction has appropriately certified plan review personnel on staff, this requirement may be waived by written request to DOI.

An inspection department may apply to the Building Code Council to review plans and specifications on buildings listed in Table 602. Such authority shall be granted provided:

1. The inspection department shall submit a written request for approval.
2. The inspection department shall state it is adequately staffed and the staff possess Standard Level III Certificates in all areas from the North Carolina Code Qualifications Board.
3. The approval shall be for up to 12 months.
4. The inspection department shall submit an annual written request for approval for the subsequent year by May 1 to be approved at the June meeting for the following year.

The City of Asheville Building Safety Department and The Fire Department's Life Safety Division currently have the following Level III Certifications on staff: Building - 9 Certificates; Electrical - 7 Certificates; Mechanical - 3 Certificates; Plumbing - 8; Certificates; and Fire Prevention - 7 Certificates.

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Although the City of Asheville may be approved for local plan review, the below listed buildings will require review by the State Engineering Division, per Volume 1A-section 602.2.2.

1. High Rise (buildings in which the highest occupied floor is more than 75 feet above the highest firefighting vehicle apparatus access area)
2. Group A-1- Large Assembly
3. Group H- Hazardous over 100 people
4. Covered Malls
5. All buildings owned by a city, or county having a total gross area exceeding 10,000 sq. ft. and
6. All buildings owned by the State shall be submitted to the State Property and Insurance Fund Division.

Mecklenburg County and the City of Raleigh are other jurisdictions which are currently approved for local plan review.

The Director of Building Safety and the Fire Chief recommend that The City Council approve the request to The Building Code Council for the authority to review plans at the local level and to be exempt from the requirements for certain plans to be reviewed by the Department of Insurance.

Councilman Worley felt this was a great way to speed up the review process.

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

Councilman Worley moved for the adoption of Resolution No. 97-174. This motion was seconded by Vice-Mayor Field and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 215

D. RESOLUTION NO. 97-175 - RESOLUTION ADOPTING THE REVISED CITY'S ECONOMIC DEVELOPMENT POLICY

City Development Director John Scaralia said that this is consideration of revisions to the City's Economic Development Policy which includes establishing grants for eligible firms.

As competition between municipalities for a limited number of business relocations and investments becomes more acute, communities are finding the need to become more proactive in positioning themselves as cost-effective destinations with strong pro-business climates. It follows that in order to expand economic development options and create more employment opportunities for the residents of Asheville, a program should be established which encourages business to locate and expand within the City.

The Economic Development Incentives Policy provides a new way to stimulate business investment within the City by establishing grants for eligible firms based on the amount of investment in the community, the number of quality jobs created, and their ability to meet certain financial and operational criteria.

On March 8, 1996, in response to a lawsuit which argued that business incentives provided by governments to companies are unconstitutional (Maready vs. City of Winston-Salem), the N.C. Supreme Court held "that N.C.G.S. [section] 158-7.1, which permits the expenditure of public moneys for economic development incentive -24-

programs, does not violate the public purpose clause of the N.C. Constitution." As a result, municipalities across the state have begun to develop and broaden their incentive policies in order to compete for expanding and relocating businesses.

This proposed revision is based on providing grants to companies seeking to locate and expand within the City, and follows the general format which other N.C. municipalities have adopted. It augments the original guidelines as set forth in Resolution #94-211, adopted by the City Council on October 1, 1994, and establishes new parameters to help increase the diversity of the tax base, offer quality employment opportunities for its citizens, and promote private business and industrial growth within the City of Asheville.

Councilman Skalski congratulated Mr. Scaralia, the City Manager and the Finance, Legal and Planning Departments for the fine effort they made over the past few months to begin forming one small "piece of the pie" to help economic development in Asheville. He said "the financial grants are one 'piece of the pie' that would fit very well with many other pieces. It should be pointed out that, in order for economic development to be successful, the entire pie must be in place. Here is the core of the 'pie' needed for economic development:

*1. Public Schools: Must be dramatically improved by providing more local control and family empowerment. Consider adding a new school for the arts, science and technology which could offer technical training to many of the

brightest students beginning at the junior and senior high school levels.

*2. Technology: Such as adding a new Engineering School at UNC-A. Educated citizens with technical schooling and skills training are technology.

*3. Infrastructure: Fix it first! Upgrade and maintain our present system of public transportation, roads, sidewalks, water, sanitary and storm sewers. The current zoning ordinance (UDO) has set aside 15 percent of our land for industrial purposes. This is three times what most cities need. Statewide studies have shown that annexation causes taxes to increase significantly. Lower taxes are good for business! Therefore, we should avoid annexation.

4. Business Community Involvement: Without all the business stakeholders participation and empowerment, a community can not compete in a world economy. Skilled people are technology. Leaving them out weakens a city's economic development capabilities.

5. Comprehensive, Strategic, Economic Plan: What are the long range goals and objectives of Asheville's economy? Right now we are racing toward an economy that is almost entirely dependent upon tourism and retirees. Tourism spending and retiree location are totally discretionary in nature. Aren't retirees going to head to neighboring Henderson County where the taxes are 45 percent less than Buncombe County's?

* Studies have shown that cities with a well-educated work force and a solid, comprehensively planned infrastructure in place are very likely to have quality businesses, jobs, and an overall stronger and a more sustainable, growing, economy than cities that don't. (Items #1, 2 and 3 from the core of economic development).

"These above five economic issues are vastly more important than the new UDO zoning ordinance. Why did we only spend six weeks on this -25-

'Economic Development Incentives Policy' to provide financial grants for businesses? We spent six years working on the new UDO! This makes no sense. Providing financial grants doesn't begin to address the primary issues of economic development in the Asheville area.

"Here are a few comments on the 'Incentives Policy,' financial grants: (1) small businesses with less than four employees should be given the highest priority; (2) the grant thresholds appear to be much too high; (3) why not use tax incentives; (4) why not include education and job training in the package; (5) what about putting grant money on jobs created and maintained, not capital investment; (6) how much participation and empowerment does the Asheville community have in this process now; (7) what kind of jobs will fit the existing trained workforce; (8) what kind of training should we implement how in anticipation of what kind of businesses; (9) how many jobs will this create; and (10) how much money can the City afford?

"Six or seven weeks is not much time to fully develop an economic policy, but John Scaralia and other department heads have made a good start.

"Why not set a business community task force to work on these issues? Shouldn't the core issues be discussed first? This is a vital issue of concern for everyone."

Mr. Scaralia said that they have been working on this policy since the fall of 1996 and staff feels this is the best policy adhering to local and state laws. The policy will need to be continuously measured and assessed stressing that the policy is just a tool that will help Asheville.

Councilman Worley felt that this policy is a good expansion to our existing policy. He then responded to some of Councilman Skalski's suggestions.

Mayor Martin addressed many of Councilman Skalski's questions and concerns. He felt that the Plan was very important and we needed to move forward and be innovative. He noted that the policy can always be amended.

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

Councilman Worley moved for the adoption of Resolution No. 97-165. This motion was seconded by Vice-Mayor Field and carried on a 6-1 vote, with Councilman Skalski voting "no".

RESOLUTION BOOK NO. 24 - PAGE 216

VI. OTHER BUSINESS:

RESOLUTION NO. 97-176 - RESOLUTION ADOPTING WRITTEN DECISION DENYING APPLICATION BY CC&J ENTERPRISES INC. FOR GROUP DEVELOPMENT PERMIT FOR "UNIVERSITY PLACE"

City Attorney Oast said that the City Council, at its regular meeting on March 25, 1997, and following a public hearing, denied approval to a proposal by CC&J Enterprises Inc. to construct a group development proposal by the name of "University Place" on Barnard Avenue in the City of Asheville. The Council's decision was appealed to Superior Court of Buncombe County where, on September 5, 1997, an Order was entered remanding the matter to City Council for entry of a written -26-

decision. The Council's decision was made by a 4-3 vote as indicated in the official minutes of that meeting. He presented City Council with a proposed written decision which reflects the reasoning of those members who voted in the majority. He stressed that even though some members of the City Council continue to disagree with the majority's decision, it is the decision of the Asheville City Council.

Councilman Skalski asked the City Attorney to make sure that if there was anything in the record about children, family size, demographics of the neighborhood, or any reference to parks, that it be included.

At this time (7:38 p.m.), Councilman Worley left the meeting not excused.

Upon inquiry of Vice-Mayor Field, City Attorney Oast said that he felt sure this would be scheduled for hearing as soon as possible after September 30, 1997.

Mayor Martin said that members of Council have been previously furnished with copies of the resolution and the findings and they will not be read.

Councilman Skalski moved for the adoption of Resolution No. 97-176. This motion was seconded by Councilman Cloninger and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 217

N.C. LEAGUE OF MUNICIPALITIES ANNUAL MEETING

Councilman Sellers appointed Vice-Mayor Field as the Asheville voting delegate at the N.C. League of Municipalities annual meeting in Raleigh in October and Councilman Worley as the alternate. This motion was seconded by Councilman Hay

and carried unanimously.

HOUSING & COMMUNITY DEVELOPMENT

Councilman Hay was pleased to report that the Housing & Community Development Committee approved (on a 2-1 vote) the firm of Housing & Community Insight to prepare a five-year long range affordable housing strategy plan for Asheville. The study will consist of a comprehensive survey of the current housing situation and an evaluation of needs and organize strategy. He outlined the scope of work to be completed within four months at a cost of \$27,200.

Vice-Mayor Field agreed with Councilman Hay in that we needed this plan for a long time in the City. She said that all firms were well qualified and each had some good strategies of involving the public. She was totally supportive of the plan which will let us know what we have, what we need, and how best to spend our housing money.

Councilman Skalski said that even though he basically is not against the affordable housing plan, he voted against it because he felt that it has to be included as part of a total package - and that was jobs. Studies have shown that unless you address quality jobs in your area, there is no way you can address housing. Another reason he felt the study is premature is because Asheville doesn't have a program in place to create jobs in Asheville, however, he did understand that there is a need for housing in the City.

Mayor Martin stated that programs do ultimately work together.

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ONE YOUTH AT A TIME PROGRAM

Vice-Mayor Field said that she has received a request, as she was sure other Council members had also, from Rev. L.C. Ray to fund \$10,000 to the One Youth at a Time Program. They have a \$50,000 Community Foundation matching grant and have received \$40,000 from Buncombe County. She felt that the jobs placement program has been a good and worthwhile program and recommended the City contribute \$10,000 to the program based on receipt of information that the City would normally request to fund an outside agency.

Vice-Mayor Field moved to fund the One Youth at a Time Program, in the amount of \$10,000, contingent upon receipt of the appropriate documentation that the City would normally receive to fund an outside agency. This motion was seconded by Councilman Cloninger and carried unanimously.

COMMUNITY MEETING

Due to the location of the September 30, 1997, City Council community meeting being unknown, Mayor Martin suggested that the City Clerk try to make arrangements at the Valley Springs Middle School or the Skyland Volunteer Fire Department. Vice-Mayor Field reported that the Crowfields Community Center was too small for a Council community meeting.

CLAIMS

The following claims were received by the City of Asheville during the week of August 29-September 11, 1997: Rainbow's End (Streets), Donna Robb (Streets), Paul Benson (Water), Becky Gudger (Streets), Charles Randle (Fire), Bell South (Water), Josephine Roberts (Sanitation), Lynn Holland (Water), Ruth Moraga (Sanitation), Beth Allender (Water) and William H. Melton Jr. (Water).

The following claims were received during the week of September 12-18, 1997: Blake Lasher (Water), The Summitt (Water), Laurie Sanders (Water) and Hyatt Electric (Inspections).

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

LAWSUIT

The City was served with a Complaint on September 8, 1997, which is generally described as follows: Dept. of Transportation v. Josephine Simms Hammond, et vir, et al. The nature of the proceedings is condemnation proceeds of property in the Haw Creek Township at the intersection of Highways No. 70 and 74 and SR 2863 (Haw Creek Lane).

This matter will be handled in-house.

CLOSED SESSION

At 8:01 p.m., Councilman Cloninger moved to go into closed session for the following reasons: (1) to prevent the disclosure of information that is privileged or confidential pursuant to the laws of this State, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information being considered confidential is G.S. 160A-168, the Personnel Privacy Act - the statutory authority is G.S. 143-318.11 (a) (1); (2) to establish or to instruct the public body's staff concerning the position to be taken -28-

by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property - the statutory authority is G.S. 143-18.11 (a) (5); and (3) to consult with an attorney employed by the City Council in order to preserve the attorney-client privilege between the attorney and City Council - the statutory authority is G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Sellers and carried unanimously.

At 8:55 p.m., Councilman Skalski moved to come out of closed session. This motion was seconded by Councilman Cloninger and carried unanimously.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 8:55 p.m.

CITY CLERK MAYOR
