

Tuesday - August 4, 1998- 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

Budget Amendment re: Controlled Substance Excise Tax

Summary: The consideration of a budget amendment, in the amount of \$30,000, to appropriate Controlled Substance Excise Tax receipts to enhance law enforcement activities in Fiscal Year 1998/99.

The Asheville Police Department receives a share of the proceeds from the State Controlled Substance Excise Tax. To date, approximately \$40,000 has been received. These funds cannot be used to fund Police Department general operations and must be appropriated to enhance law enforcement activities. The Police Department has identified specific uses for approximately \$30,000 of these funds, at this time. One use will be the preparation of an A.P.D. Recruitment Video. This action will establish a special appropriation within the Police Department Administration budget in the amount of \$30,000. Use of the funds will be monitored to ensure compliance with State requirements.

City staff recommends City Council adopt the budget amendment, in the amount of \$30,000, to appropriate Controlled Substance Excise Tax receipts to enhance law enforcement activities in Fiscal year 1998/99.

Amendment to Capital Project Ordinance - 35 Fund

Summary: The consideration of a budget amendment to amend Capital Project Ordinance 82-25 to provide funding for the Rocky Ridge Project.

By Resolution 82-25 dated October 5, 1982, the Authority authorized and budgeted for various capital projects to be funded by Investment Earnings, Contributions From Other Funds, and Appropriated Fund Balance.

The Rocky Ridge Road Project is an upgrade from an 8 inch line to a 24 inch line. This upgrade was recommended in the 1995 Water Distribution Master Plan prepared by Camp, Dresser and McKee. Our contribution toward this upgrade is \$10,000. This project will improve domestic water service and fire protection to multiple facilities in the area including the Holiday Inn Express.

This project has been previously approved by the Water Authority; and this is a request to provide the funding for the project. There are available funds in the Reservoir/Tunnel Repairs. This project is being postponed and will be funded as part of the FY 98/99 Water Distribution System Improvements.

Staff recommends adoption of the budget amendment amending Capital Project Ordinance 82-25 to reprogram funds in the amount of \$10,000 from the Reservoir/Tunnel Repairs to the Rocky Ridge Project. -2-

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

IDENTIFICATION OF UDO ANNUAL REVIEW ISSUES

Mr. Gerald Green, Senior Planner, said that on July 21, 1998, he reviewed in detail the list of possible revisions for consideration as part of the annual Unified Development Ordinance ("UDO") review. The list of possible revisions reflects input from staff, Council members, and the public. Council may identify revisions which it wishes staff to incorporate into the UDO. This will require review and recommendation by the Planning and Zoning Commission and adoption by City Council. As part of the review and approval of any possible revisions to the UDO, both City Council and the Planning and Zoning Commission must hold public hearings.

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

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

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

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

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

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

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

One other request has been brought to the staff's attention - that we review the requirements for maintaining

existing trees during the development process. Under the current ordinance, credits for new trees are given for existing trees, with the number of credits related to the size of the tree (the larger the tree, the more credits) as an incentive to preserve existing trees. Cutting of trees on private property cannot be restricted, other than in local historic districts, without special enabling legislation.

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

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

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

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

Advertising on buses and taxis - The city's sign regulations do not currently address advertising on buses and taxis. The use of these vehicles for advertising purposes is becoming more prevalent. The request is to research ways in which standards may be imposed upon this type of advertising.

Extraterritorial jurisdiction research - The City of Asheville is authorized to exercise planning jurisdiction up to one mile outside the city limits without the approval of the County Commission. With the approval of the County Commission, this jurisdiction may extend up to three miles beyond the city limits. The request is to research the pros and cons of exercising extraterritorial jurisdiction, staff resources required to exercise this jurisdiction, and representation of this area on the Planning and Zoning Commission.

Investigation of design guidelines in areas not designated as local historic districts - Design guidelines are enforced in the city's 3 local historic districts and for local historic properties. Enabling legislation is not in place to regulate design in areas not designated as local historic districts or properties. Design is a key issue with many development projects. -4-

The request is to evaluate the pros and cons of design guidelines and to research ways to implement design guidelines in other areas.

Make meetings/dialogue between developer and neighborhoods mandatory - Meetings with adjacent property owners and neighborhoods prior to the submittal of plans and applications for a development project are strongly recommended by the UDO. Some citizens have requested that these meetings be made mandatory.

Mr. Green then reviewed the additional items which were identified on July 21 by the Council of Independent Business Owners, the Board of Realtors and the Coalition of Asheville Neighborhoods.

Additionally, Mr. Green reviewed the following items that have been identified for consideration as possible revisions to the UDO since the initial discussion by Council of this issue on July 21.

Revisit the River District and draft changes to protect adjacent neighborhoods -

The River District is mapped along the French Broad and the Swannanoa Rivers as they flow through the city. In an effort to promote economic development of this area, an almost unlimited range of uses are permitted in the River District. Three neighborhood associations have requested that the River District be revised to incorporate changes that will afford adjacent residential areas more protection.

Require construction of sidewalks and/or dedication of easements for all new developments - The UDO currently requires the construction of sidewalks for all new non-residential developments, for non-residential expansions and changes in use, for single family residential development of more than 20 homes or lots, and for multi-family residential developments of more than 10 units. In addition to these cases, sidewalks are also required if the development is within ½ mile of a pedestrian generating facility or connects to an existing sidewalk.

Remove restaurants from the list of permitted uses in the Office and the Office/ Business Districts - Small scale office uses (maximum 8,000 sq ft) are permitted in the Office District. The Office/Business District permits a range of medium scale office uses (maximum 30,000 sq ft) and some low intensity business uses. Restaurants are a permitted use, subject to special requirements, in both districts. The restrictions are that neither drive-through facilities nor outdoor speaker systems are permitted. Citizens have requested that restaurants be prohibited in each of these districts due to their hours of operation and the noise generated.

Require impact studies which address the impact proposed development will have on infrastructure (streets, water system, sewer system, schools, etc.) - The UDO currently requires the preparation of a traffic impact analysis for projects generating more than 100 trips per hour during the peak hour. All projects are reviewed to assure that water and sewer service are available, although no extensive review of the impact of the proposed development on the overall system is conducted. School systems are notified of proposed projects, but no impact analysis is conducted. The requested revision would require developers of projects above a certain threshold to identify the impact of the proposed development on these systems.

Develop an intermediate Community Business District - A Community Business I and a Community Business II district are included in the UDO. The Community Business I district permits buildings with a maximum footprint of 6,000 sq ft and a gross floor area of 12,000 sq ft; the Community Business II district permits buildings with a maximum gross floor area of -5-

45,000 sq ft. There is a large gap between these two districts, with an apparent need for a intermediate Community Business district.

The process for proceeding with giving staff direction was then discussed.

Mayor Sitnick said that if the item making meetings/dialog between the developer and neighborhoods mandatory does not get on the final list, she would propose making meetings/dialog between the staff and the neighborhoods mandatory with meetings/dialog between the developer and neighborhoods strongly encouraged.

It was the consensus of Council to develop a complete list of the items City Council wanted staff to research for possible amendment to the UDO. A public input session would then be held at a formal meeting in September (after the list is printed in CityWorks) for comments and additional suggestions by the public. A vote could then be taken at that formal meeting on the items City Council wanted staff to research and begin the UDO amendment process.

It was the consensus of Council to advertise the following list:

- Revise Office District
- Create a Mixed Use Planned Unit Development District
- Create an Open Space/Park Zoning District
- Landscape Ordinance Revisions
- Standards for Churches
- Underground Utilities
- Broaden Permitted Uses in Community Business II District
- Identify Additional Neighborhood Business Zones
- Advertising on Buses and Taxis
- Revisit the River District and Draft Changes to Protect Adjacent Neighborhoods
- Require Construction of Sidewalks and/or Dedication of Easements for all new Developments
- Develop an Intermediate Community Business District

Mayor Sitnick asked that as a side item, staff present additional information on impact studies with pros and negatives.

Mayor Sitnick asked that a separate list be compiled of the items which did not receive consensus.

ZEALANDIA BRIDGE

Ms. Suzanne Molloy, Assistant Director of Public Works, reported that the Public Works Department and the Asheville-Buncombe Historic Resources Commission ("HRC") are working together on a scope of services with Vaughn & Melton Engineers ("V&M") in conjunction with soil and material engineers. They will prepare bid specifications and documents for the City to send out to the public for the short-term stabilization of the bridge. The previous report prepared by HRC and V&M mentioned some ideals for short-term stabilization, however, they would prefer to have a document signed and sealed by a professional engineer. The cost to do that is \$4,400 which also includes them overseeing the work done out there once the bids come back in. Right now, the Public Works Department can cover the \$4,400 in their budget and when the bids come back in for this work they may or may not need to come to Council for an allocation of funds. Again, the first step is to work with HRC Director Maggie O'Connor and Jody Kuhne, who is the technical engineer with the N.C. Dept. of Transportation, on the final scope of services. Hopefully V&M can start that work next Monday. The next step will be to send the scope of services out for bid and then back to City Council . The final step is to look at the bridge once it -6-

has been cleaned off and stabilized to see what needs to be done. At this time we cannot tell what it will cost to repair the bridge totally because it really does need to be cleaned off..

Mayor Sitnick reminded Council that the City does have a \$5,000 pledge from the public.

Upon inquiry of Vice-Mayor Hay about how long it would take to stabilize the bridge, Ms. Molloy said that the scope of services will take about 2-3 weeks and depending on how they advertise, she imagined in the next

6-8 weeks they could be out there doing some work to temporary stabilize the bridge. Council will hear back in the fall what can be done about permanently repairing the bridge.

OUTSIDE AGENCY PROCESS BRIEFING

Ms. Cindy Miller, Finance Operations Manager, briefed City Council on the Outside Agency Grant process.

Below is a discussion of the current outside agency process and several staff concerns and recommendations.

Current Process

The Outside Agency Grant process for each fiscal year begins in the January prior to each fiscal year with the mailing of grant applications. Applications are mailed to each agency which requested funds for the current fiscal year and to any other agency requesting an application. The agencies have approximately four weeks to complete and submit the application to the Budget Office.

The Budget staff reviews each application and compiles the applications for the City Council Outside Agency Committee. The Committee first meets in March and receives a notebook of applications and also a preliminary estimate of the total amount of funding that might be available for outside agencies. In a series of three to four meetings, the Committee discusses each agency in-depth and determines which, if any, agencies from which the Committee would like to have a presentation. For the 1998/99 fiscal year, no agencies were requested to make a presentation to the Committee. The Committee determines its funding recommendations and presents such recommendations to the full City Council for inclusion in the annual budget ordinance.

After the budget has been adopted, City budget staff develop a contract between the City and each agency which includes sections on the Scope of Services to be provided, the payment arrangements and the reporting requirements. The contracts are reviewed by City legal staff and executed by the agency and the City Manager. Agencies are then paid according to the contract once reporting requirements are met. Typically, agencies submit quarterly reports and receive payment shortly thereafter.

Concerns

1. The City Council Fiscal Policy states in Item B. 8. that "It is the City's policy not to fund requests from outside organizations which provide social services or services which are County-wide in scope." At the present time, the City is funding agencies which provide County-wide services and services even beyond the borders of Buncombe County. Only one agency funded for 1998/99 operates entirely within the City of Asheville. Also, some might suggest that the City is funding agencies which provide social services. It is the opinion of staff that the Fiscal Policy statement be more specifically defined in the areas -7-

of "social services" and "services which are County-wide in scope". Further, it is recommended that the policy statement be reviewed and revised as necessary to more accurately reflect City Council philosophy and provide more useful guidance to the Council.

2. Although agencies are required to complete an in-depth application, many agencies submit outcomes and goals which are not measurable or whose measures are not meaningful. It is staff's opinion that many agencies are not trained and/or staffed to develop and provide meaningful measures. Regardless, it is the recommendation of staff that the Council require meaningful measures of all agencies.

3. Agencies which are currently funded are funded in future years almost "automatically" without regard to the intended uses of City funds. The concern here is that the City's focus and interests may have changed and that the opportunity to influence the agency's direction is missed. For example, the City's funds for the

Chamber of Commerce have been used to further tourism in the area for many years. The City might wish to have the Chamber re-direct the City portion of its funding to economic development and require measures in those areas. It is the recommendation of staff that the Council review the direction of agencies annually to ensure that the City's interests are being addressed.

4. Occasionally, an agency is funded by Council during the fiscal year. This agency then becomes an "incumbent" agency and receives funding as discussed in Item #3. Staff has a concern that the funding of an agency during the fiscal year encourages new agencies to circumvent the funding process, whereas the agency might not have been funded had it been required to compete for outside agency dollars.

5. As part of the normal payment process, each agency submits written reports quarterly. These reports are intended to address the agency's progress toward the Scope of Services outlined in the contract with the City. Currently, staff notes only that the reports are received. There is no process in place to review and compare the reports with the Scope of Services and to determine if satisfactory progress toward the Scope of Services is being made. It is staff's recommendation that a meaningful review process be developed and that each agency's progress be monitored during the fiscal year.

Staff recommends the City Council review its Outside Agency process and improve the process as the Council deems appropriate.

After discussion, it was the consensus of City Council to have the Outside Agency Committee review the concerns outlined and report back to City Council with suggested changes in the review process, if appropriate.

REPORTS FROM BOARDS & COMMISSIONS

Vice-Mayor Hay reported that the City Council Boards & Commissions Committee has made recommendations for the River District Design Review Committee, which recommendations will be presented at Council's formal meeting on August 25, 1998.

Vice-Mayor Hay reported that the Minority Business Commission has requested that City Council consider confirming new members to the Commission at the City Council meeting on August 11, 1998.

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RETREAT

City Manager Jim Westbrook said that the mid-year City Council retreat will be held at the Kellogg Center, a UNC-A facility located outside of Hendersonville, N.C. from 1-6:00 p.m. As instructed, the agenda will consist of a review by staff of the ten goals adopted by Council at their annual council/staff retreat in January of 1998. Additionally, staff will provide summaries of the agreements with the Regional Water Authority, Metropolitan Sewerage District, the Asheville Transit Authority and the Asheville Airport Authority.

BOARD/COMMISSION VACANCIES

City Council instructed City Clerk Burlson to prepare the proper paperwork to reappoint Margie Liverman and Francis Black to the Americans with Disabilities Act Compliance Committee.

City Council instructed City Clerk Burlson to arrange for interviews for the following candidates for vacancies on the Asheville Downtown Commission: Brenda Sconyers, Steven Harrington, Forrest MacGregor, Monroe Moore, Alan Levy and Laura Anderson:

It was the consensus of City Council to appoint Councilman Cloninger to serve a three year term on the

Asheville Film Board. Mayor Sitnick said that anyone not appointed will remain in the resource list which will be provided to AdvantageWest because the skills and technical expertise of all candidates are enormous. After Mayor Sitnick outlined the skills she would prefer to see in candidates, City Council instructed City Clerk Burlison to arrange for interviews for the following candidates for vacancies on the Film Board: Gayle Wurthner, Lee Nesbitt, Thomas L. Tucker, Steven Heller, Ashely Siegel, Peter Loewer, Sarah Blankenship, Lee Huebner, Kathleen Bobak, Eric Scheffer, Barbara Pasternack, John Cram, David Quinn, William Olsen, Pamela Turner, Bill Norwood, Jerry Birdwell, Rob Dame, Katherine Talbot and Curtis Gaston. Mayor Sitnick said that after six months, she hoped City Council would be willing to possibly expand the Board.

City Council instructed City Clerk Burlison to arrange for interviews for the following candidates for vacancies on the Asheville-Buncombe Historic Resources Commission: John Best, Karen Tessier, Allen Roderick, and Chris Slusher.

City Council instructed City Clerk Burlison to arrange for interviews for the following candidates for vacancies on the Metropolitan Sewerage District Board: Brady Blackburn, Luke Carpenter, Dee Williams and Ben Slosman.

City Council instructed City Clerk Burlison to arrange for interviews for the following candidates for vacancies on the Tourism Development Authority: Barbara McEwan and Chris Moutos.

City Council instructed City Clerk Burlison to arrange for interviews for the following candidates for vacancies on the Tree/Greenway Commission: Gerry Hardesty, Leonard Pardue and G. Leigh Wilkerson.

It was the consensus of City Council to appoint either Councilman Sellers or Councilman Tomes (both have expressed an interest) to serve on the Regional Water Authority:

City Council instructed City Clerk Burlison to arrange for interviews for the following candidates for vacancies on the Citizens/Police Advisory Committee: Jimmy Hungerford, Josefine Matty.

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ANNOUNCEMENT

Mayor Sitnick noted that County Commissioner David Gantt has invited City Council to help cook hamburgers and hot dogs at the Governor's Western Residence on Saturday, August 8, 1998, at 10:30 p.m.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 5:45 p.m.

CITY CLERK MAYOR
