

Tuesday - September 15, 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:

Pipeline Replacement Program Change Order

Summary: The consideration of a resolution authorizing the City Manager to execute a change order with Wheeler Construction Company (for work performed by contractor requested by the Engineering Department) for the project known as Pipeline Replacement Program Phase II - Contract A, South Asheville/South Buncombe Water Line.

The Regional Water Authority of Asheville, Buncombe and Henderson approved \$1,078,389.11 for the construction of these improvements. This project is known as Pipeline Replacement Program Phase II Contract A South Asheville/South Buncombe Water Line.

The final adjusting change order for this project is in the amount of \$102,582.95. This additional cost represents the additional qualities of bituminous pavement and other miscellaneous appurtenances that were necessary to comply with requirements and request by the Public Works Department and Water Maintenance Division of the Water Resources Department. Approximately 18% of the additional cost of bituminous pavement has been reimbursed by the Public Works Department as per agreement.

Staff recommends that City Council accept this change order to increase the total contract price for the Pipeline Replacement Program Phase II Contract A South Asheville/South Buncombe in the amount of \$102,582.95 and the City Manager to execute all necessary documents for this contract.

Public Auction October 17, 1998

Summary: The 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 buses, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction to be held Saturday, October 17, 1998 at 10:00 a.m. in the Public Works Complex, 161 S. Charlotte Street.

Sale of Alcoholic Beverages at 1998 Greek Festival

Summary: The consideration of a resolution allowing the possession and consumption of malt beverages and/or unfortified wine at the Asheville Greek Festival at the City-County Plaza on October 2-4, 1998.

The Asheville Greek Festival is a unique celebration of Greek heritage and traditions. The Festival this year will be held at City-County Plaza on October 2-4, 1998. Local entertainment, food, and vendor displays will be available daily. -2-

Voting Delegates for the 1998 Annual N.C. League of Municipalities Meeting

Summary: Motion designating Councilwoman Barbara Field as the voting delegate and Mayor Sitnick as the alternate voting delegate for the 1998 Annual League of Municipalities Business Meeting on October 19, 1998.

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

UPDATE ON SCHOOL BOARD ACTIVITIES

Ms. Susan Fisher, Chairman of the Asheville School Board, and Dr. Karen Campbell, Superintendent, updated City Council on the School Board's accomplishments for the past year and outlined their goals. The mission of the Asheville City Schools is to provide quality education in which we respect students' individual and cultural differences, develop their talents in partnership with family and community, and ensure that they possess the life skills necessary for personal success and civic responsibility. The following four goals were discussed along with objectives to meet the goals: (1) increase student achievement in Asheville City schools; (2) provide orderly, safe, clean, drug-free schools; (3) recruit, develop and retain a highly skilled work force; and (4) forge strong partnerships through effective communication.

Council Members asked various questions and because some were of a statistical nature, they were asked to put the questions in writing and detailed responses would be sent accordingly.

DISCUSSION OF UNFUNDED BUDGET ITEMS

Pursuant to City Council's request, City Manager Westbrook presented the unfunded requests in the current budget. He noted that revenues were not sufficient to support these requests during the budget process.

During the budget meetings with City Council for the Fiscal Year 1998-1999 budget, staff listed a number of programs that were not able to be funded because requests for funding exceeded the City's financial ability. Listed below are the five programs that were not included in the budget, along with a brief description of each.

1. River District Development Plan - Cost: \$50,000

The river core area of the City (that area along the French Broad River from Lyman Street north to the Norfolk and Southern trestle) is currently not a significant economic asset of the City. The potential exists to create a significant economic and cultural asset to the community of that area, and the City as a whole. To begin the process, we need to develop a plan. Staff suggests we partner with the RiverLink organization, which has been able to raise approximately \$100,000 (\$11,000 of the \$100,000 is from the City). The City would need to budget an additional \$50,000 for a total contribution of \$61,000 (\$11,000 is already committed). RiverLink would commit \$89,000 toward the study, for a total budget of approximately \$150,000. This is the current estimate of what the study would cost, to be provided by an outside, independent consultant. Once funding is committed by the City, staff would develop an agreement between the City and RiverLink outlining responsibilities, expectations and a plan that would insure comprehensive participation by all existing interested groups and individuals. Staff has identified this as our number one priority.

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2. Update of the Growth Plan (2010 Plan) - Cost: \$50,000

The current growth plan was adopted by the City of Asheville in 1987. With over ten years having passed

since its adoption, changes in the needs of the community and new development patterns, there is a compelling need to update the plan. The update of the plan would encompass work by staff in many areas, and the use of a consultant to advise staff and Council and to design a public participation process. The growth plan is now recommended for funding during the Fiscal Year 1999-2000 budget process. There is a lot of background information which staff is currently gathering from various other cities and service providers in the area. Additionally, if the update had been funded this year with the current work load and focus on UDO amendments, the Haywood Road Corridor Small Area Plan, the Broadway Small Area Plan, and the Swannanoa River Small Area Plan, he was not sure that we would have had the staff capacity to work on the plan.

3. Downtown Development Plan - Cost: \$50,000

The Downtown Commission's top priority is to develop a downtown plan for Asheville's next stage of development. A master planning committee was established to guide the process from the Commission's standpoint. After researching costs of downtown plans created for other cities, staff recommended \$50,000 for the project, with any costs above \$50,000 being raised in the private sector. Staff recommends this study be added to the Fiscal Year 1999-2000 budget based on available funding.

4. Stormwater Regulation Study - Cost: \$125,000

On December 15, 1997, a proposed rule was signed which would require all cities with a population less than 100,000 and more than 5,000 to develop an Illicit Discharge Program. This program is proposed to consist of approximately six different requirements. The rule is scheduled to be effective on March 1, 1999. All cities will be expected to be in compliance by June 1, 2002. The \$125,000 was requested to have a consultant prepare this Illicit Discharge Program for the City. In short, the consultant would provide the mapping necessary for the program, draft necessary ordinances, develop public awareness programs, etc. He recommended funding for this program in the Fiscal Year 1999-2000 budget since the effective date appears to be March 1, 1999.

5. Traffic Calming Initiatives - Cost: \$50,000

This funding was requested to begin implementing some traffic calming devices in neighborhoods. The devices could include building roundabouts, concrete islands to narrow the travel lanes, etc. The traffic calming policy has been put on hold awaiting the new Traffic Engineer's review and comment. We anticipate hiring a Traffic Engineer by January 1, 1999. Since any projects we might want to start would begin during the second half of the fiscal year, rather than placing funds in the budget at this time, he recommended that staff request a special appropriation on a project-by-project basis as needed.

At the time the budget was adopted the City had not yet settled the franchise negotiations with InterMedia. Since that time the negotiations have been completed, and as a result the City will receive unprogrammed revenue as a result of the new franchise agreement and resolution of a dispute between the City and InterMedia concerning past cable television payments. The amount we expect to receive during Fiscal Year 1998-1999 is approximately \$70,000. That amount is available for appropriation.

He said that should Council want to fund one of the five above programs, staff recommended funding the River District Development Program at a cost of \$50,000. -4-

Mayor Sitnick reported that she has received a number of phone calls from the community expressing a curiosity about the fact that they remember that the 175,000 franchise fee settlement was going to be dedicated to public, educational and governmental access channels.

City Manager Westbrook explained that this is not a diversion of the PEG money.

Ms. Karen Cragolin, Executive Director of RiverLink, and Mr. Doug Wilson, Chairman of the Board of RiverLink, spoke in support of the City funding the River District Development Plan. Mr. Wilson also presented Council with a letter from Mr. Jerry V. Sternberg which letter supported a land use study and projection for the River District.

Mayor Sitnick said that she has asked the N.C. Dept. of Transportation to undertake a project at the River to re-do all roads, to create sidewalks, tree lawns, curbs and gutters and pave the streets in order to inspire some economic development in that area.

Councilman Cloninger strongly supported the City's funding of the River District Development Plan because (1) the timing is right because there is a cross-section of owners along the river and others interested in the river who otherwise have different philosophies all wanting to see this development plan go forward, and (2) there is tremendous untapped economic development potential on the river and it's time that we start tapping into that potential.

It was the consensus of Council to authorize the City Manager to place a budget amendment to fund the River District Development Program at the cost \$50,000 on the next formal City Council agenda.

PARKING STUDY REVIEW

Ms. Cathy Ball, City Engineer, introduced Mr. Lee Bourque from Carl Walker, Inc., and Mr. Rick Day, from Dan Wilburn Associates, Inc., who presented the recommendations from the Comprehensive Parking Study of the Downtown, Biltmore Village, and West Asheville areas.

On August 19, 1997, the City of Asheville entered into an agreement with Carl Walker, Inc. to prepare a Comprehensive Parking Study for the Downtown, Biltmore Village, and West Asheville areas.

The purpose of the study was to: (1) Quantify current parking demand and supply by type; (2) Project future parking demand for 1, 5, 10 and 20 year intervals; (3) Offer options for servicing demand within the areas under study; (4) Interview various property owners;

(5) Give options for reorganizing the existing surface lots; (6) Conduct statistically valid surveys through observation and documentation of travel modes, attitudes and preferences toward parking; (7) Review the existing parking enforcement program; and (8) Review the current administration of parking services enforcement, collections, signs and publicity.

Mr. Bourque reviewed the Downtown study area recommendations which included: (1) develop 550 additional spaces in facility in grove arcade; (2) develop 60 to 80 additional parking spaces near the city-county plaza; (3) consider City-County lots along new shuttle route to relieve additional near term needs; (4) increase rates for on-street meters; and (5) educate business regarding meter parking abuse. Mr. Day then reviewed the traffic and transportation issues related to the Downtown study area.

Mr. Bourque then reviewed the Biltmore Village study area recommendations which included: (1) develop new 100 and 40 spaces surface parking lots; (2) encourage employee use of off-street lots; (3) consider advanced on-street meter system; and (4) identify location of -5-

prospective railroad station and secure space for required 45 plus parking spaces for potential intermodal train station/garage/welcome center. Mr. Day then reviewed the traffic and transportation issues related to the Biltmore Village study area.

Mr. Bourque then reviewed the West Asheville study area recommendations which included: (1) mark on-street spaces to expand identified on-street parking from 24 to 212 spaces; (2) encourage employee use of rear parking; and (3) develop and provide standard parking sign design templates for area business. Mr. Day

then reviewed the traffic and transportation issues related to the West Asheville study area.

Throughout the presentation, Council members asked and the consultants responded to various questions, comments and suggestions as they related to each of the study areas.

Ms. Ball said that staff recommends that Council set a public hearing in approximately 45 days (October 27, 1998) to allow input from citizens, residents, etc. regarding the recommendations of the Parking Study.

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

BRIEFING ON THE YOUTH COUNCIL

Mr. Irby Brinson, Director of Parks & Recreation, said that in 1984, as part of the Water Agreement, the Asheville-Buncombe Youth Council was transferred to Buncombe County Recreation Services.

In an effort to inform City Council of the present status of the Asheville-Buncombe Youth Council, Ms. Chris Webb, Coordinator of the Youth Council and employed by Buncombe County Recreation Services, updated City Council on current activities and initiatives by the Youth Council.

On behalf of City Council, Mayor Sitnick thanked Ms. Webb for her work and the work of the Youth Council.

DISCUSSION OF AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE RELATIVE TO CONDITIONAL USE PERMIT LANGUAGE

Mr. Gerald Green, Senior Planner, said that at the City Council meeting on August 25, 1998, City Council directed staff to begin a review of possible revisions to the Unified Development Ordinance ("UDO") to permit churches to include related uses, such as day care, educational and recreational facilities, in residential areas while protecting residential neighborhoods from adverse impacts.

He said that churches are permitted, subject to special requirements, in residential neighborhoods. Churches are defined in the UDO as the place where religious worship is conducted; related facilities such as day care, school and recreational facilities, are not included in the definition. These facilities are reviewed separately and subject to development standards which are the same regardless of who develops them. Some churches would like to include those facilities on their properties which are located in residential districts.

Residential neighborhoods are concerned about the adverse impacts of large churches and related facilities upon the neighborhoods in which they are located. They would like to have development standards designed to minimize these adverse impacts. -6-

Council has directed Planning and Development Department staff, with assistance from the City Attorney's Office, to review the standards for churches and develop recommendations for amendments to the standards which would allow larger churches with those other facilities as conditional uses in residential areas.

Mr. Green then reviewed the following background regarding churches as conditional uses:

THE ISSUE - Some churches would like to include related uses, such as day care, school and recreational facilities, on properties located in residential districts. Residential neighborhoods are concerned that large churches, with these related facilities, can have adverse impacts on residential neighborhoods.

BACKGROUND - Churches are defined in the UDO as "a place where religious worship is conducted. The term church does not include day care, educational, recreational, and other facilities which are incidental to

the place of worship." Churches meeting this definition are permitted in all residential zoning districts provided they meet certain standards. These standards are:

- Minimum lot size - 1 acre. Churches constructed prior to August, 1977 are not subject to this requirement.
- Minimum setbacks
- Front - same as for other permitted uses in the respective district
- Side and rear - 30 feet
- Minimum setback for parking and other activities - no parking in front setback; no parking or other activity shall be located less than 30 feet from any property line. Provided, however, the Planning and Development Director may allow parking or other activity within 15 feet of a property line upon finding that adequate buffering exists or is proposed, that surrounding properties will not be adversely affected, and existing trees over 4 inches within the reduced buffer must be retained.
- Impervious surface shall not exceed 75% of the total lot area;
- Offices associated with the church will occupy no more than 25% of the total floor area of buildings on the lot;
- Public address systems shall not be permitted except within buildings;
- Access onto church property from local streets shall be limited to a total of 2 driveway access points onto all surrounding local streets; and
- When repositories for ashes are located on the church site, the church shall issue a statement which would guarantee maintenance of the repository in perpetuity.

Under the provisions of the UDO, day care, school, recreational, and other facilities are treated the same whether they are developed by a church or any other developer. This is based upon the belief that these facilities have the same impact on a residential area (traffic, noise, lights, etc.) regardless of who develops them. These other facilities are treated as follows:

- Day care facilities are permitted in all residential districts, with small day care homes (up to 8 children) permitted in all residential districts and child care centers (up to 79 children) permitted only in the RM-16 district.
- Schools are permitted in all residential districts provided they meet a minimum lot size requirement (2 acres) and setback requirements, and parking and recreation areas are not located in required setbacks.
- Certain recreational uses (golf courses, tennis courts, swimming pools, playgrounds, and clubhouses with indoor recreational facilities) are permitted in all residential districts provided they are operated on a membership basis.

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- Colleges, convention centers, and other large, institutional-like uses are permitted only in the more intense zoning districts where their impacts on neighboring uses can be mitigated.

PROPOSED ACTION - The following actions would offer churches more flexibility, while protecting

residential neighborhoods from the adverse impacts associated with large development:

- Continue to use the current definition of church as stated in the UDO;
- Identify churches of less than a certain size (Wilmington sets the threshold at less than 200 seats) as permitted uses, subject to special requirements in all residential districts. The requirements for churches of this size should remain the same as currently established by the UDO, with the additional requirement that primary access not be provided by a local (residential) street.
- Identify all other churches as conditional uses in residential districts with the following conditions related to size and access:
 - Churches of a medium size (Wilmington defines these as having less than 1,000 seats) must locate on a lot with access from a collector street or a major or minor thoroughfare;
 - Large churches (Wilmington defines these as having more than 1,000 seats) must locate on lots with access from a major thoroughfare.
- Continue to treat daycare, school, recreational, and related facilities separately from churches, but review the standards to assure that the needs of the community are being met. The review should include:
 - Consideration of permitting day care centers, with a limit on the number of children, in all residential districts if certain standards governing lot size, access, and buffering are met;
 - Consideration of permitting small colleges as well as schools in all residential districts if certain standards regarding lot size, access, and buffering are met; and
 - Consideration of expanding the types of recreational facilities permitted in residential districts.
- When churches of any size which include day care, school, recreational, and/or related facilities in their development plans are proposed in residential zoning districts, treat them as conditional uses to assure that they meet all standards and do not adversely impact the area in which they are to be located.

Councilman Tomes hoped that with the inclusion of the religious community in drafting the proposed amendment, some of his concerns would be addressed, specifically relating to how churches need to administer to the total person.

Councilman Cobb felt that the definition of church should be re-defined in the UDO. He stressed that the Asheville community wants their churches and government should not try to tell a church what ministries it can and cannot perform. Churches' ministries need to meet the needs of the community. He did feel that other ordinances relating to such things as noise, buffering, parking, traffic, etc. should be enforced.

It was the consensus of City Council for staff to meet with the religious community, residential neighborhoods, and other interested parties in order to draft an ordinance amendment to assure that all concerns are addressed. After an ordinance has been drafted, the draft ordinance will be presented to the Planning & Zoning Commission. The Planning & Zoning Commission must hold a public hearing to receive public input and following the public hearing they will provide a recommendation to City Council regarding the proposed amendment. -8-

Following the recommendation of the Planning & Zoning Commission, City Council must also hold a public hearing to solicit public input prior to consideration of the amendment.

WATER CRISIS

Water Resource Director Tom Frederick updated City Council on the two water supply reservoirs. The Regional Water Authority has a policy of instituting restrictions when the water levels in the two reservoirs are a combined 60 feet below the spillways. The total distance has dropped to 32 feet. He said that voluntary restrictions on water use might be necessary and if the dry weather continues, mandatory restrictions will be instituted.

MEDIA RELATIONS

Ms. Margot Christensen, Public Affairs Director from the N.C. League of Municipalities,

covered briefly (1) the relationship between the news business and Council's role as elected officials; (2) some things that Council may find helpful that other people have found helpful when they work with reporters and (3) some decisions you may be looking at as governing board members concerning the news media.

ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 6:55 p.m.

CITY CLERK MAYOR
