

Tuesday - November 21, 2000 - 3:00 p.m.

Worksession

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; Councilwoman Terry Bellamy; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burlison

Absent: None

**CONSENT:**

**Waiver of Parking Fee for Buncombe County Board of Elections**

Summary: The consideration of a resolution for a fee reduction/waiver for the use of metered parking spaces by Buncombe County Board of Elections.

At the request of the Board of Elections, City staff set aside 11 metered spaces adjacent to the Board of Elections office on College Street for use by voters in connection with the No Excuse – One Stop Voting Program authorized by recently enacted law. The City's Fees & Charges Manual indicates a normal cost of using a parking meter space for an entire day is \$10.00 per space. However, the Fees & Charges Manual also provides City Council the option to establish, by resolution, a cost for using a parking meter space for an entire day in association with a "Limited Event for Motor Vehicles."

The Buncombe County Board of Elections requested that the City waive the fees in connection with its use of the parking spaces for the program. The program, and therefore the use of the metered spaces, ended on November 8, 2000. The No Excuse – One Stop Voting Program qualifies as a Limited Event for Motor Vehicles for which special fees could be set by resolution. The Board of Elections has requested that the fees be waived entirely, but a waiver is not clearly permitted in the Fees and Charges Manual. However, there is no minimum fee prescribed and City Council may set the fee at \$0.00 for the Limited Event.

If it is Council's desire to set a special fee of \$0.00 for this Limited Event, City staff recommends adoption of the resolution.

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

**CIVIC CENTER COMMISSION ORDINANCE REVISIONS**

City Manager Westbrook said that this is the consideration of a draft Civic Center Commission ordinance amendment that has been prepared as directed by City Council and is ready for Council's approval.

On November 3, 1999, Council directed staff to work with the Civic Center Commission to update the Civic Center Commission ordinance and bring it in line with other appointed Boards and Commissions throughout the City.

Since that initial charge from City Council, City Attorney Bob Oast, Civic Center Director David Pisha and City Manager Jim Westbrook have been working with the Civic Center Commission Chair Dr. Carl Mumpower to restructure the ordinance. The more prominent parts of the ordinance are as follows:

A. The Commission is created by City Council, and members are appointed by Council for terms of three years. The Chair of the Commission is appointed by City Council.

B. The duties of the Commission are to review and make recommendations on programming goals and objectives, to establish a procedure for handling customer service complaints, to establish committees as needed, develop and make recommendations to the Civic Center Director and City Manager regarding long-range plans of the Civic Center, to review and make recommendations on administrative policies and fees and charges, to accept gifts on behalf of the Civic Center, and to encourage the promotion of sports, recreation, entertainment and other cultural events and activities that might use services or facilities of the Civic Center.

C. The Commission would annually provide goals and objectives to the Civic Center Director for consideration in his preparation of the annual budget.

The Civic Center Commission met and it is my understanding that they are opposed to the City Council's appointing the Chair of the Commission. The reason staff recommends that the Chair of the Commission be appointed by Council is that this is a very important Commission and one in which the Council expects much work to be done as the City seeks to determine the future of the Civic Center. It is the opinion of staff that when the Chair is selected by the Council, as opposed to the Commission itself, the Chair has the full backing of the Council to move the Commission forward in concert with the goals and objectives of Council.

City Manager Westbrook thanked Dr. Mumpower and members of the Civic Center Commission for their diligence in working with the City to prepare the new ordinance.

City staff recommends that Council adopt the ordinance amending the ordinance establishing the Civic Center Commission.

Councilman Hay, liaison to the Civic Center Commission, relayed how the current ordinance was not consistent with practice or state law.

Dr. R. Carl Mumpower, Chair of the Civic Center Commission, spoke in support of the proposed ordinance and feels like it gives the Commission a meaningful role and they can be helpful and useful to City Council. The only issue the Commission would like to see changed is that the chair be appointed by the Commission members themselves – not City Council. The Commission feels that City Council goes through a lot of trouble and interviews to appoint the 11 Commission members and those members should have the insight and awareness to elect their own chair. Secondly, a personal concern is that a chair is sometimes required to be a bit outspoken and he doesn't think that person would be comfortable in doing that if they felt their tenure lies more with City Council and with the entire Commission.

Upon inquiry of Councilwoman Bellamy, City Manager Westbrook explained the chain of command at the Civic Center and with the Civic Center Commission with regard to administration, goals and objections, and the budget. He noted that the Civic Center is the direct responsibility of the Civic Center Director and the City Manager, who are directly accountable to the City Council.

City Council discussed what other boards City Council appoints a chair to and why.

Upon inquiry of Councilwoman Bellamy, Dr. Mumpower explained that the Commission has no desire to control the operation of the Civic Center. It only has an interest in an

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opportunity to vote their prospective, to keep an eye on the Civic Center, and offer to City Council informed

suggestions.

Mayor Sitnick explained that she feels a sense of responsibility and accountability for whatever happens at the Civic Center due to the huge portion of taxpayers money used on the Civic Center. Therefore, she felt that City Council should appoint the chair. She stressed that there should be open lines of commission because this is a very important Commission.

Vice-Mayor Cloninger could see why the Commission or any board might want to appoint their own chair because certain leaders naturally emerge and those Commission members can see who would be the best chair. Also, he can see City Council wanting to be consistent in appointing a Chair as they do on other commissions. He suggested that if City Council does make an annual appointment of a chair, then prior to doing that each year that Council receive a recommendation(s) from the Commission itself and City Council should give heavy consideration to that recommendation.

Upon inquiry of Councilwoman Field, City Attorney Oast said that it is the intent of the ordinance that the chair be appointed from the membership of the Commission.

Councilman Worley explained why he felt the Commission should appoint their own chair, noting that it would be disastrous for Council to appoint a chair who didn't have the support of the entire Commission.

Councilman Hay noted that the Civic Center Chairman position is a higher profile position than most and that person plays a special role. Because the media contacts the chair directly, it is important that the chair represents the interest of the City and the Commission and it needs to be someone City Council has confidence in. He felt if City Council appoints the chair, they will know that that person represents the points of view City Council wants to be included.

With a show of hands to give direction, it was the consensus of City Council to allow the Commission members appoint a chair within their membership.

City Council instructed the City Attorney to prepare two different ordinances (1) to have City Council appoint the Chair, including language that each year the Commission send their recommendation for a chair to City Council and that City Council give heavy consideration to the Commission's recommendation; and (2) that the Commission appoints the chair from amongst it's membership.

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

### **UDO AMENDMENT REVIEWS**

City Attorney Oast said that these Unified Development Ordinance amendments are being brought before City Council in order that staff may respond to questions Council may have prior to the public hearings, which are scheduled on December 19, 2000. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

### **Height of Fences**

Urban Planner Dan Baechtold said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) to revise the permitted height for fences.

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The proposed ordinance amendment would revise the maximum height permitted for fences located in the side and rear setbacks. Currently, fences are limited to a maximum height of six (6) feet if they are located in

the front, side, or rear setbacks. Given the topography of the City, this height is often not adequate to screen adjacent uses and/or to provide privacy to homeowners. The Board of Adjustment has received several requests for variances from the fence height standard and the Planning and Development staff has received requests for the ordinance amendment being proposed. A maximum height of eight (8) feet for fences located in the side and rear setbacks is established by the draft ordinance amendment, with the maximum height remaining at six (6) feet for fences located in the front setback. In addition, the proposed ordinance would prohibit the blocking of the sight visibility triangle, located at street intersections, by fences. The proposed ordinance amendment would address the issues raised by the variance requests and would meet the needs of those requesting the ordinance amendment.

At their October 4, 2000, meeting, the Planning and Zoning Commission voted 7 to 0 to recommend approval of the wording amendment revising the maximum height for fences. The Planning and Development staff recommends approval of the wording amendment.

### **Revisions to the Standards for On-Premise Signs**

Development Code Enforcement Administrator Mike Wheeler said that this is the consideration of an amend to the Unified Development Ordinance (UDO) to revise the standards for on-premises signs.

The proposed ordinance amendment would revise the City's sign ordinance to make it easier for staff and the public to use. The proposed amendment represents the first comprehensive revisions to the sign regulations since their adoption over ten years ago. The proposed amendment would revise the standards for on-premises signs only; the standards for off-premises signs would remain unchanged. Revised standards for single tenant and multi-tenant signage are proposed, as well as changes to some miscellaneous standards. The proposed changes include:

#### Single tenant signage

- Reformat the section in the same style as the multi-tenant signage regulations;
- Permit suspended/transom signs;
- Permit maximum square footage for attached signage to be distributed between 2 signs;
- If variance granted by Board of Adjustment to permit sign larger than 125 sq ft, setback would be 15 ft instead of 10 ft;
- Commercial subdivisions permitted identification sign like residential subdivisions.

#### Multi-tenant signage

- Eliminated the standard that based attached tenant signage on the type of freestanding sign; tenants now permitted one square feet of attached signage for each one linear foot of building frontage (with max size identified);
- Increased maximum square footage from 187.5 to 200;
- Setback based on sign size. Signs over 125 square feet have 15 feet setback; signs under 125 square feet have 10 feet setback;
- Businesses sharing an entrance can have wall signs;
- Subtenants within a leased area can each have a small wall sign.

## Miscellaneous

- Method of calculating sign size simplified;
- Flags of nations, states, etc. are exempt; other flags added to list of prohibited signs;
- Modified section dealing with signs on vehicles to make it easier to enforce;
- Altered section dealing with directional signage; and
- Added signage to the list of design elements an authorized design board can vary.

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The input and ideas of sign contractors and businesses was used in the development of the proposed revisions. The adoption of the proposed ordinance amendment will improve the ability of the staff to administer the sign regulations while providing additional flexibility to business owners in advertising their businesses.

At their October 4, 2000, meeting, the Planning and Zoning Commission voted 7 to 0 to recommend approval of the wording amendment revising the standards for signs. The Planning and Development staff recommends approval of the wording amendment.

Mr. Wheeler responded to questions from Council regarding the proposed ordinance.

Mayor Sitnick asked City staff to think about some way, while addressing the businesses need to be seen, to make sure that if a variance is granted for a sign that the sign is accomplishing what the businesses want to accomplish. Mr. Wheeler said that City staff does make recommendations but it is ultimately up to the Board of Adjustment to decide on whether to grant the sign variance or not.

Discussion surrounded political signs and suggested amendments to the sign ordinance.

Mayor Sitnick asked that the record show that City Council has received this information and instructs the City Manager to proceed with the appropriate public hearings on December 19, 2000.

## **WATER RESOURCES DEPARTMENT ANNUAL REPORT**

Water Resources Director Tom Frederick said that the Fiscal Year 1999/2000 Annual Report for the Regional Water Authority of Asheville, Buncombe and Henderson is being presented to the Asheville City Council and Buncombe County Commissioners as required by the Water Agreement.

The Water Agreement states that the Regional Water Authority shall make semi-annual reports to the City and the County. Each year, staff provides a brief semi-annual update of Authority accomplishments in approximately February and a more detailed annual report in approximately October.

Last year, the annual report was titled A Year of Extremes and featured the drought and our new water source. This year, the Authority's Annual Report is titled Treating Our Water With Extraordinary Care – A Perfect Blend of Nature and Science. It highlights the Authority's new Mills River Water Treatment Plant which was dedicated in November 1999 and compares it to the North Fork and William DeBruhl (Bee Tree) Water Treatment Plants. The Mills River source and treatment process are very different from North Fork and Bee Tree; but regardless of the source of water or treatment facility processing the water, our customers can be sure that the product delivered to their homes and businesses is of exceptional quality.

The Fiscal Year 1999/2000 Annual Report also summarizes the Water Distribution Master Plan Improvements, Critical Needs Grant Projects, Mills River Watershed Protection Project, routine system maintenance, the education and efficiency program, and the annual operating budget.

Mr. Frederick answered several questions from City Council regarding the Water Resources Department.

City Manager Westbrook suggested City Council authorize the Mayor to send a letter to the Regional Water Authority to remind them of the City's smart growth policies.

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No action by the City Council is required, this report reviews Water Resources Department and Regional Water Authority accomplishments during the Fiscal Year 1999/2000 as required by the Water Agreement.

### **AMENDMENT TO FISCAL YEAR 2000 AND PRIOR YEARS COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME ALLOCATIONS**

Councilwoman Bellamy asked to be excused from this matter since Mountain Housing Opportunity (her employer) is a sub-recipient on some of the funds. Councilman Worley moved to excuse Councilwoman Bellamy from participating in this matter due to a conflict of interest. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

Community Development Director Charlotte Caplan said that this is the consideration of amendments to the allocation of CDBG and HOME funds in the City's Consolidated Action Plan for FY 2000 and prior years.

The City's Consolidated Action Plan, approved in May each year, allocates our annual entitlement of Community Development Block Grant (CDBG) and HOME funds to specific projects. The Plan covers a four-county area where the City administers HOME funds for the Asheville Regional Housing Consortium. From time to time, amendments are needed to deal with cancelled projects, cost over-runs, new urgent projects, or differences between actual and estimated program income.

At this time, staff recommends the following amendments:

1. **Cancellation of Thoms Life House Apartments project (FY 2000).** Thoms Hospital has withdrawn its application for \$300,000 in HOME funding for a 20-unit transitional housing facility for people with spinal cord injuries because other funds necessary to the project were not committed in time. We expect that this project will be resubmitted for funding in 2001.
2. **Increase funding for Buncombe County Rural Rehabilitation program (FY 2000).** \$100,000 in HOME funds is added to this program, operated by Mountain Housing Opportunity, to substantially rehabilitate approximately five owner-occupied houses in rural Buncombe County (locations to be determined). Buncombe County Commission has requested this re-allocation of funds originally committed to Thoms Life House.
3. **New HOME grant to WNC Housing, Inc (FY 2000).** A grant of \$40,000 in HOME funds is recommended to fill a gap in development financing for a group home for 5-6 very low income people with hearing and/or vision loss, now under construction on Clearview Terrace in Asheville
4. **New HOME grant to Mountain Housing Opportunity for predevelopment expenses (FY 2000).** A loan of \$23,000 to pay for the expenses of developing and submitting two projects for Low Income Housing Tax Credit financing in 2001. Costs include market studies, appraisals, and site option fees. Sites to be determined.
5. **Cancellation of Contractor Development Program (FY 1997).** In 1998 Neighborhood Housing Services started a program with \$12,500 in CDBG funds to help construction workers become independent contractors. Two people were assisted with training, at a total cost of \$2,007 dollars, but

have decided not to proceed further. The remaining \$10,493 is to be re-allocated.

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6. **Increase funding for NHS Apartment Development (FY 1997).** \$10,493 in CDBG funds is added to this program to meet cost over-runs on the development of 16 apartments currently under construction on three separate sites on Broad Street, and Montford Avenue in Asheville.
7. **Change of sub-recipient for World Changers Program (FY 1999).** \$14,655 in CDBG funds is re-allocated from Neighborhood Housing Services to Mountain Housing Opportunity to provide program operation costs and materials for the repair of up to 30 homes by the World Changers youth volunteers in the summer of 2001.

## Financial Summary of Proposed Amendments

Year	Project	