

Tuesday – September 4, 2001 - 3:00 p.m.

Worksession

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

Absent: None

### **ASHEVILLE SYMPHONY**

Dr. Robert Hart Baker, Music Director and Conductor of the Asheville Symphony Orchestra, gave a brief history on the Asheville Symphony which has been in existence since 1960. Currently the Asheville Symphony operates on a budget in excess of \$1 Million, employing an 80-100 member orchestra paid on a per-service basis and presents concerts featuring nationally renowned as well as local guest artists. The Symphony presents six Masterworks concerts, a Holiday Pops, a May Pops, a free Children's Concert and a joint production with the Asheville Lyric Opera Company. With regard to education, Dr. Baker explained that the Asheville Symphony management administers the Strings-in-the-Schools educational program in the Asheville City and Buncombe County schools, employing six teachers who work with 250 students. The string instruments include violin, viola, cells and bass.

On behalf of City Council, Mayor Sitnick thanked Dr. Baker and recognized the importance the Asheville Symphony is to Asheville's economic development.

### **ASHEVILLE-BUNCOMBE VISION DIALOGUES**

Mr. Joe McGuire explained that the goal of Asheville-Buncombe VISION Inc. is (1) to encourage discussion among diverse residents in order to promote understanding of how local issues affect different segments of our community and (2) to encourage citizens to collaborate on efforts that benefit the whole community. This year's topic, "How can our community create and support good jobs with good wages?", relates well to the VISION's current focus on economic development and the goal of increasing Buncombe County's per capita income. The jobs and wages topic also received the 2<sup>nd</sup> highest number of votes during last year's dialogue topic public vote and, with the current economic uncertainty and the upcoming local elections, promises to engage a diverse group of citizens in dialogue. All groups will be talking about this same topic.

Mayor Sitnick thought the topic should read "How can our community create and support more good jobs with more good wages." She also hoped that they would consider discussing, in part, the North American Free Trade Agreement and how it impacts the American worker. Also, she suggested discussion on what the national minimum wage impact has been on the inability for certain sectors to be self-sufficient. Also, they should focus on a living wage and exactly what that means and how it impacts the labor market.

### **UDO AMENDMENT REVIEWS**

#### **Conditional Use Permit Standards for Approval**

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 September 25, 2001. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Chief Planner Gerald Green said that this is the consideration of an ordinance to amend the Unified Development Ordinance (UDO) to revise the findings for conditional uses.

The proposed ordinance amendment would revise two of the seven findings that must be made in order for City Council to grant a Conditional Use Permit. The findings currently in the ordinance are based upon wording found in enabling legislation and in ordinances across the state. While these findings are generally adequate to assess the impacts of proposed uses identified as conditional uses, some refinement is needed to assure that the findings address Asheville's unique conditions and meet the goals of the City.

One issue that has been identified during the review of Conditional Use Permit requests is how the proposed project would impact the natural and topographic features of the site. A proposed revision to finding # 2 would delete the need to find that the proposed use is reasonably necessary for the public health or general welfare. This finding would be revised to require the use or development to be reasonably compatible with significant natural and topographic features on and in the vicinity of the site. The proposed revision would reinforce the concern for protecting and maintaining the natural and topographic features that help define the character of the City of Asheville.

The findings currently address the need for the proposed use or development to conform with the City's comprehensive plan. However, there is no requirement that the use or development conform with the City's smart growth policies or sustainable economic development strategic plan. A proposed revision to finding # 5 identifies these policies and plans, noting that the use or development should comply with them.

The proposed revisions provide clear guidance for applicants in preparing applications for Conditional Use Permits and for the City Council in reviewing the requests. With the proposed revisions, the importance of preserving the City's natural and topographic features is made clear. In addition, the role of the City's smart growth policies and sustainable economic development strategic plan in guiding development is reinforced.

At their July 11, 2001, meeting, the Planning and Zoning Commission voted 7 to 0 to recommend approval of the wording amendment revising the findings for conditional uses. The Planning and Development staff recommends approval of the wording amendment.

Discussion occurred with regard to Finding #2 and the result was that Mr. Green would review the issues raised by Council and come back to them with an update at the September 18, 2001, worksession.

### **Establishment of New Urban Village Zoning District**

Planning & Development Director Scott Shuford said that this is consideration of an ordinance to amend the Unified Development Ordinance (UDO) by adding the Urban Village Zoning District.

As part of City Council's Smart Growth initiative, staff has developed a new zoning district of Urban Village. Staff is expediting its review because there are two property owners who wish to have it applied to their property. The two projects where this new zoning district may be initially applied are the Biltmore Park Town Center, currently under construction, and the former Gerber site.

In preparing this ordinance, staff enlisted a focus group of local design professionals, Smart Growth advocates, and a Planning and Zoning Commissioner to review the original draft ordinance and provide comments.

The Urban Village District is generally intended to be used at the request of a property owner rather than

being unilaterally applied to a site by the City. It is a large site zoning district, with a minimum initial property size of 10 acres. Its application will likely be limited to fairly level sites rather hillsides due to the requirement that the developer create an internal network of streets forming a series of blocks, however, a creative designer may be able to adapt it to a hilly situation.

This internal street network is the key to the Urban Village zoning district. The street network will shape the form that the development takes by providing a series of blocks that organize how the buildings are arranged, provide a place for on-street parking, and create a public sphere for community interaction. Off-street parking generally must be shielded from the street by buildings and incentives are provided for the use of structured parking. In effect, the district's requirements for an internal street system, on-street parking, and building setbacks create a small-scale replica of a traditional downtown.

As in a traditional downtown, there is considerable leeway given to the developer regarding building height (the district calls for most structures to be in a range from two to four stories, but some buildings can be single story and others can be as tall as eight stories), residential density (no formal density limits – the building size and placement will ultimately determine the number of units that can be placed in an Urban Village), on-street parking (the ability to count this parking toward the total parking required for the development), and development review (projects within an Urban Village are considered Level II projects for review purposes). In exchange for this flexibility, the developer must work within the provisions of the ordinance regarding site design and provide a traffic impact analysis.

The Planning and Zoning Commission voted unanimously to recommend adoption of the ordinance amendment. The Planning and Development Department staff supports the ordinance amendment.

Discussion surrounded enforcement of the Master Plan, how much flexibility there will be in the Master Plan once approval is granted, and will major deviations from the Master Plan come back to City Council for a re-review. As a result of this discussion, Mr. Shuford said he would review the issues raised by Council and come back to them with an update at the September 18, 2001, worksession.

Suggestions and concerns raised by Councilwoman Field will also be addressed at the September 18, 2001, worksession.

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 September 25, 2001.

**RESOLUTION NO. 01-142 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO SELL SURPLUS MOTOR VEHICLES, OFF-ROAD EQUIPMENT AND OTHER SURPLUS PROPERTY AT PUBLIC AUCTION**

Purchasing Director Norwood Dunn said that this is 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, off-road equipment, and other miscellaneous property declared as surplus by various City departments. The auction is to be held Saturday, October 6, 2001, at 10:00 a.m. in the Public Works Complex, 161 S. Charlotte Street, Asheville, N.C.

-4-

City staff recommends City Council adopt the resolution.

Due to the next formal meeting of September 11, 2001, being cancelled, Councilman Hay moved to waive the rules and take formal action at this meeting. This motion was seconded by Vice-Mayor Cloninger and

carried unanimously.

Councilman Hay moved to adopt Resolution No. 01-142. This motion was seconded by Councilwoman Bellamy and carried unanimously.

## **RESOLUTION BOOK NO. 26 – PAGE 453**

### **BOARDS AND COMMISSIONS**

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Sherry Fitzpatrick and to appoint Mary Robertson to the ADA Compliance Committee.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to reappoint Gene Bell as Chair to the Civil Service Board.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to reappoint Edward Metz, Gail McCarthy, Ken Fulford, Hunt Mallett, Laura Webb and Robert Camille, and to appoint Marvin Slosman to the River District Design Review Committee. In addition, City Council instructed the City Clerk to include the possible expansion of two neighborhood representatives on the River District Design Review Committee on the Boards and Commissions next meeting agenda.

It was the consensus of City Council to instruct the City Clerk to re-advertise for vacancies on the Taxicab Advisory Board.

It was the consensus of City Council to wait until after the election (with no further advertisement) to make a decision with regard to the position currently being held by Tommy Sellers.

When Councilman Peterson suggested a bullet-type list of priorities City Council wants to come out of the renegotiation of the 1994 Water Agreement, Mayor Sitnick assured him that they are working on that. Along those lines, Councilwoman Bellamy felt that for some of the major boards should have a list of priorities as well. She agreed to make a list of the boards and commissions for City Council consideration.

Vice-Mayor Cloninger announced the Bill Moore has resigned from the Airport Authority and instructed the City Clerk to place that vacancy on the next quarterly appointment process.

### **OTHER BUSINESS**

There was a brief discussion about the pole banners requested by the Convention and Visitors Bureau. The 25 pole banners for the "We're Glad You're Here" campaign would cost approximately \$4,000. City Manager Westbrook said that he would like to make a modification on the banner to include the City of Asheville logo, not the Chamber of Commerce's logo. Therefore, it was the consensus of City Council to authorize the City Manager to spend up to \$4,000 out of contingency with the understanding that he will negotiate the best deal he can with the Convention and Visitors Bureau to possibly half the cost with them.

-5-

Mayor Sitnick explained that not all funds needed for the green building roundtable on October 26, 2001, have been received. Upon her request, it was the consensus of City Council to authorize the City Manager to spend up to \$2,000 out of contingency, if necessary.

### **CLOSED SESSION**

At 5:07 p.m., Councilman Hay moved to go into closed session to consult with an attorney employed by the

City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: Buncombe County, Henderson County, Regional Water Authority and City of Asheville – G.S. 143-318.11 (a) (3). This motion was seconded by Councilwoman Field and carried unanimously.

At 5:30 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Councilwoman Bellamy and carried unanimously.

**ADJOURNMENT:**

Mayor Sitnick adjourned the meeting at 5:30 p.m.

---

CITY CLERK MAYOR

---