

Tuesday - July 13, 1993 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Eugene W. Ellison, Presiding; Councilwoman Barbara Field; Councilmen William G. Moore, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; Assistant City Manager Charles Penny; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: Mayor Kenneth M. Michalove; Councilman Chris J. Peterson; and City Manager Douglas O. Bean

INVOCATION

Councilman Swicegood gave the invocation.

BELE CHERE '93

Mr. Chip Scott, Festival Coordinator, passed out Bele Chere T-shirts and thanked the Council for their support of this festival.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING THE MONTH OF JULY 1993 AS "RECREATION AND PARKS MONTH"

Vice-Mayor Ellison proclaimed the month of July 1993 as "Recreation and Parks Month" and presented the proclamation to Mr. Ray Kisiah, Director of Parks and Recreation, and Ms. Ann Whisenhunt, Cultural Program Supervisor.

B. RECOGNITION OF THE PUBLIC SERVICE EMPLOYEE OF THE YEAR BILL FULP

Vice-Mayor Ellison recognized Bill Fulp, Public Service Employee of the Year and presented him with a Certificate. He stated that Mr. Fulp was chosen as the overall winner in the category he was nominated for (Outstanding Supervisor) and also as the overall individual to represent public employees in the Asheville-Buncombe area who, during 1992 made outstanding contributions to the community and his own agency.

II. PUBLIC HEARINGS: None

III. OLD BUSINESS:

A. THIRD READING OF ORDINANCE NO. 2030, RELATIVE TO BINGHAM HEIGHTS/RICHMOND HILL EXPANSION INTO THE EXTRATERRITORIAL JURISDICTION AREA

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Vice-Mayor Ellison said that the public hearing on this matter was held on June 15, 1993, at which time it passed on its first reading. He said that Ordinance No. 2030 passed on its second reading on June 29, 1993.

Vice-Mayor Ellison said that members of Council have been furnished with a copy of the ordinance and it would not be read.

On a roll call vote of 6-0, Ordinance No. 2030, passed on its third and final reading.

ORDINANCE BOOK NO. 13 - PAGE 257

IV. NEW BUSINESS:

A. ORDINANCE NO. 2040 - ORDINANCE AMENDING SECTION 2-61 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (ASHEVILLE AREA CIVIC CENTER COMMISSION MEMBERSHIP)

City Attorney Slawter stated that this ordinance will reduce the membership of the Asheville Area Civic Center Commission from eleven to nine members.

Vice-Mayor Ellison said that members of Council have been furnished with a copy of the ordinance and it would not be read.

Councilman Worley moved for the adoption of Ordinance No. 2040. This motion was seconded by Councilman Moore.

On a roll call vote of 5-0, Ordinance No. 2040 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 1

B. RESOLUTION NO. 93-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MR. D'S CLEANING SERVICE FOR PROFESSIONAL JANITORIAL SERVICE FOR THE CITY HALL BUILDING, THE PURCHASING DIVISION BUILDING, AND THE DOWNTOWN DEVELOPMENT BUILDING

Assistant City Manager Penny said that the City advertised for bids for janitorial services for the City Hall Building, Purchasing Division Building at Hunt Hill Place, and the Downtown Development Building. Bids were also requested for the new Public Works Building, but the building is very new and all of the Public Works staff have -3-

not yet been moved into the building; therefore, it is recommended that no bids be awarded for the Public Works Building at this time.

He said that the staff did look into the possibility of City staff providing these services but that would require an additional full-time position and 3 part-time positions for an estimated cost of \$49-50,000. He also stated that the City is in the process of negotiations relative to the services for the Public Works Building.

He said that it is recommended that the bids for the janitorial services for the City Hall Building, Purchasing Division Building, and the Downtown Development Building be awarded to the lowest responsible bidder, which is Mr. D's Cleaning Service, in the amount of \$52,800. A complete summary of the bids is attached hereto as Exhibit "A".

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

Councilman Moore moved for the adoption of Resolution No. 93-102. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 7

C. RESOLUTION NO. 93-103 - RESOLUTION ADOPTING A SMALL AREA PLAN KNOWN AS THE HENDERSONVILLE ROAD CORRIDOR PLAN AS AN ADDENDUM TO THE COMPREHENSIVE PLAN FOR THE CITY OF ASHEVILLE (ASHEVILLE CITY PLAN 2010)

Vice-Mayor Ellison stated that a public hearing on this matter was held on May 11, 1993, and thereafter a worksession with the Planning and Zoning Commission

was held concerning some issues raised at the public hearing.

Ms. Patty Tallerday, Senior Planner, gave a brief report regarding the recent rezoning activity in the Hendersonville Road area adjacent to Reed Street.

Mr. Loyd Kirk, 866 Hendersonville Road, spoke in support of Plan C and asked the Council to amend the Plan by deleting the word "existing" in the sentence "The community will support land use policies that allow existing businesses to continue and to prosper."

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Councilman Worley moved to amend the Plan by deleting the word "existing" at the bottom of page 1 in the sentence which reads "The community will support land use policies that allow existing businesses to continue and to prosper." This motion was seconded by Councilman Swicegood and carried unanimously.

Mr. Kirk also recommended that a 35 mph zone be maintained north of Rock Hill Road in the interest of safety and therefore asked that the sentence which reads "This Plan recommends that the speed limit for Hendersonville Highway be maintained at 45 mph" be deleted.

Councilman Moore and Mr. Penny explained that several years ago the State said that the only way to have street lights installed on Hendersonville Highway (in order to provide access for residents from the side streets) was for the City to agree to have the 45 mph speed limit. Since Hendersonville Highway is a State road, the City has no control over the speed limit; however, the Transportation Advisory Committee ("TAC") would be requested to look at the speed limit issue and have it monitored.

Mr. George Morosani urged the Council to support Plan C and asked for some synchronization of traffic lights on Hendersonville Road.

Councilwoman Field stated that the TAC is currently working on the coordination of traffic lights on Patton Avenue, Merrimon Avenue and Hendersonville Highway.

Ms. Polly Hickling was concerned about a traffic light installed at the intersection of Hendersonville Highway and Caribou Road. She felt the light should be activated by the Fire Department for an emergencies rather than be activated continuously. She also urged the Council not to increase traffic on Caribou Road.

Vice-Mayor Ellison stated that the City Manager would look into the street light situation.

Ms. Tallerday stated that she would include in the plan a sentence on page 7 which states that traffic signals should be synchronized for smoother traffic flow and also a sentence on page 7 that would state that the speed limit on Hendersonville Highway should be monitored for the safest route speed.

Ms. Julia Cogburn, Planning Director, stated concerns relative to the amendment made at the May 11, 1993, meeting, -5-

i.e., "in places where the commercial use area abuts a residential street on the east, a buffer should be required between the commercial use area and the street. This can be accomplished by leaving as little as one foot of the commercial use lot zoned residential where it abuts the street." She explained that the public might be misled in thinking that their entire lot can be zoned commercial, thus having a commercial access onto a residential street. The amendment requiring a one foot buffer remain zoned residential, however,

restricts that person to only having commercial access from Hendersonville Highway, which some lots do not have.

Councilman Worley felt that the one foot buffer amendment is a compromise which allows the businesses that lost frontage on Hendersonville Highway (due to the widening) an opportunity to pick up some space in the rear of their businesses and yet prevents Reed Street from being opened up for commercial traffic by providing a buffer to the neighborhood. He felt the ideal solution is to have the landscape ordinance amended to require buffering where residential abuts a commercial zone across the street (now the street is the buffer). But, until the landscape ordinance can be adopted, he feels this one foot buffer amendment is a temporary solution.

It was the consensus of Council to keep the one foot buffer amendment to provide protection to the neighborhood.

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

Councilman Worley moved to adopt Resolution No. 93-103 (Plan C), as amended (the amendment adopted on May 11, 1993, relative to the one foot buffer); the inclusion in the Plan that traffic signals should be synchronized for smoother traffic flow; and the inclusion in the Plan that the speed limit on Hendersonville Highway should be monitored for the safest route speed. This motion was seconded by Councilman Swicegood and carried on a 4-1 vote, with Councilman Moore voting "no."

Councilman Moore felt that he could not support the plan as written.

Councilwoman Field strongly supported the process the Corridor Plan went through and supported the 2010 Plan but was not comfortable with the Plan after it went to the Planning and Zoning Commission. She stated that this is an ongoing process and will be looked at again through the unified development ordinance process. She understood the plight of the businesses and the needs of the neighborhoods and stated it was difficult for her to vote on this issue.

RESOLUTION BOOK NO. 21 - PAGE 8

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE MEETINGS HELD ON JUNE 22, 1993, AND JUNE 29, 1993

B. RESOLUTION NO. 93-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BILLY G. REESE FOR THE RENTAL OF CITY PROPERTY LOCATED AT ROUTE 1, BEE TREE ROAD, BUNCOMBE COUNTY, SWANNANOVA, NORTH CAROLINA

Summary: The City owns a house at Bee Tree Lake which has been occupied by Mr. Billy Reese until his retirement. Mr. Reese wishes to continue his residence at that location, at a monthly rental rate of \$225.00 or \$2,700 annually.

RESOLUTION BOOK NO. 21 - PAGE 33

Councilman Moore moved for the adoption of the consent agenda. This motion was seconded by Councilwoman Field and carried unanimously.

VI. OTHER BUSINESS:

A. SMOKERS' POLLUTION

Vice-Mayor Ellison stated that the Council did receive the ordinance presented on June 8, 1993, concerning the smoking pollution control ordinance and that the Council will be holding a worksession in the near future followed by a public hearing on any proposed ordinance. He assured the audience that if any action was taken, it would be before October 1, 1993.

Ms. Sheila Pratt, Coordinator of the Western North Carolina Group Against Smokers' Pollution, urged the Council to adopt the smoking pollution control ordinance presented on June 8, 1993 which would guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air should have priority over the desire to smoke. She urged the Council not to let Raleigh govern what Asheville should or should not do.

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Mr. John Mansfield spoke in support of the smoking pollution control ordinance.

Mr. Bob Tinkler, presented Council with a statement and news clippings. He stated, among other things, that (1) the anti-smoker proposal deals with where, not whether, a person can smoke; (2) the timing of getting an ordinance passed is essential; (3) the ordinance can be flexible to allow for local control by the City and also by private owners of certain public places and facilities; and (4) act now and not wait for Raleigh to pre-empt our local control.

B. CLAIMS

Assistant City Manager Penny said the following claims have been received by the City during the week of June 28 - July 2, 1993: Jeanelle Hiott (Streets) and Donna Jackson (Water).

He also said that the following claim has been received by the City for the week of July 5-9, 1993: Joe Bennett (Police).

He said that these claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT.

Vice-Mayor Ellison adjourned the meeting at 5:10 p.m.

CITY CLERK MAYOR
