

Tuesday - January 11, 1994 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; Assistant City Attorney Patsy Brison; Interim City Manager William B. Farris; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: City Attorney William F. Slawter

INVOCATION

Councilman Watts gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 94-1 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE HORACE BOWEN

Mayor Martin read the resolution stating that Horace Bowen has been an employee for 34 years and has requested retirement from his position as Fire Captain. He expressed City Council's appreciation to Horace for his service to the City of Asheville and its citizens.

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-1. This motion was seconded by Councilman McClure and carried unanimously.

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B. RESOLUTION NO. 94-1 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE JOSEPH D. WHITESIDE

Mayor Martin read the resolution stating that Joseph D. Whiteside has been an employee for 25 years and has requested retirement from his position as Fire Apparatus Operator/Drive. He expressed City Council's appreciation to Joseph for his service to the City of Asheville and its citizens.

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-2. This motion was seconded by Councilwoman Field and carried unanimously.

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C. RESOLUTION NO. 94-3 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE ANN GORDON

Mayor Martin read the resolution stating that Ann Gordon has been an employee for 16 years and has requested retirement from her position as Personnel Specialist. He expressed City Council's appreciation to Ann for her service to the City of Asheville and its citizens.

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-3. This motion was seconded by Councilman Watts and carried unanimously.

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D. RESOLUTION NO. 94-4 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE NOLAND INGLE SR.

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Mayor Martin read the resolution stating that Noland Ingle Sr. has been an employee for 7 years and has requested retirement from his position as Motor Equipment Operator II. He expressed City Council's appreciation to Noland for his service to the City of Asheville and its citizens.

Councilman McClure moved for the adoption of Resolution No. 94-4. This motion was seconded by Councilwoman Field and carried unanimously.

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E. RECOGNITION AWARD FOR THE ASHEVILLE FIRE DEPARTMENT

Mayor Martin recognized Fire Chief John Rukavina who in turn recognized Pat Hefner, Harley Shuford and Junior Carter. Fire Chief Rukavina said that the Asheville Fire Department has been a leader in the Southeast in development and support of "juvenile fire-setter" programs.

Asheville Fire Investigator (and A-B Arson Task Force Director) Harley Shuford has worked with health care professionals at Park Ridge Hospital who deal with juvenile firesetters. Harley has been assisted by other members of the Asheville Fire Department.

A representative from Park Ridge Hospital Associates read the award plaque recognizing the Asheville Fire Department for "...being friends, teachers and role models to our child and adolescent patients who have need of your specialized services" and presented it to Harley Shuford who accepted the award on behalf of the Asheville Fire Department.

F. PROCLAMATION PROCLAIMING THE WEEK OF JANUARY 10-17, 1994, AS "MARTIN LUTHER KING JR. WEEK"

Mayor Martin proclaimed the week of January 10-17, 1994, as "Martin Luther king Jr. Week" in the City of Asheville.

He presented the proclamation to Ms. Oralene Simmons who gave the Council a brief report on activities taking place during the week.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSOLIDATE WORTHWOODS PARK AND WORTHWOODS ROAD INTO ONE AND CHANGE THAT NAME TO DOGWOOD COURT

RESOLUTION NO. 94-5 - RESOLUTION CHANGING THE NAMES OF WORTHWOODS PARK AND WORTHWOODS ROAD TO DOGWOOD COURT

Mayor Martin opened the public hearing at 4:18 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Gary McDaniels, Street Address Administrator, said that the residents of what are now Worthwoods Park and Worthwoods Road located in a subdivision west from Overbrook Road and north of Governor's View Road have requested a change in their street name to Dogwood Court. The name "Dogwood Court" is not duplicated else in Asheville; however, there are two other Dogwood Courts in the County. The 911 Coordinator for Buncombe County indicated no problems with the name change as requested. -3-

However, Section 16-174 (c) of the Code of Ordinances provides: "There shall be no assignment of duplicate street names. Street names should not closely approximate phonetically the name of any street within the county, irrespective of the use of a designation suffix (street, avenue, boulevard, drive, place, court, etc.) or a direction prefix or suffix (north, south, east, west, etc.)."

Fire Chief Rukavina said that his and Police Chief Annarino's concern in changing the name to Dogwood Court is that there are already three "Dogwoods" in Asheville - Dogwood Grove, Dogwood Lane and Dogwood Road. He said that the property owners who proposed this change did so in good faith and though Buncombe County Emergency Management originally opposed this street name change, that opposition has since been withdrawn.

When Councilwoman Field questioned the possible problems with the other two Dogwood Courts in the County, Fire Chief Rukavina said that since one is located in Black Mountain and one in Candler, their geographical distance should not cause a problem.

Mr. Andrew Reed, 26 Dogwood Road in Asheville, briefed the Council on problems he has encountered with there being other "Dogwood" names. He asked Council to deny the request and urged the residents of Worthwoods Road and Worthwoods Park to choose a different name.

Mr. Marvin Shuler, 22 Worthwoods Road, and Mr. Wade Fox, 18 Worthwoods Road, spoke in support of the name change to "Dogwood Court."

Mayor Martin closed the public hearing at 4:32 p.m.

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

Councilwoman Sitnick moved for the adoption of Resolution No. 94-5. This motion was seconded by Councilwoman Field and carried unanimously.

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B. CONTINUATION OF PUBLIC HEARING TO REVIEW THE SCHEDULE OF RATES AND CHARGES OF TCI CABLEVISION OF ASHEVILLE FOR THE BASIC SERVICE TIER AND ALL EQUIPMENT, INSTALLATION AND OTHER SERVICES USED FOR THE BASIC SERVICE TIER

RESOLUTION NO. 94-6 - RESOLUTION EXTENDING THE TIME FOR A DECISION REGARDING THE RATE SCHEDULE OF TCI CABLEVISION OF ASHEVILLE FOR THE BASIC SERVICE TIER AND ALL EQUIPMENT, INSTALLATION AND OTHER SERVICES USED FOR THE BASIC SERVICE TIER

Mayor Martin said that this public hearing was opened on December 14, 1993, but since the City had not received the rate schedule from TCI, the Council continued its public hearing until this date.

Assistant City Attorney Brison said that the City received a rate schedule from TCI on December 22, 1993. The City has 30 days after receipt of that rate schedule to either approve or disapprove the rate schedule or determine that additional time is necessary to review the rate schedule. That 30 day period would end on January 21, 1994. Pursuant to the request of Council on December 14, 1993, the rate schedule was published in the Asheville Citizen-Times on December 31, 1993, and January 7, 1994.

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Ms. Brison summarized the three options available to Council: (1) approve the

rate schedule as submitted; (2) extend the time period for making a decision by up to an additional 90 days which would expire on April 21, 1994; or (3) provide notice to TCI of intent to order refunds. We recommend continuing the public hearing until February 22, 1994, in that there is a deadline of February 28, 1994, for filing a complaint with the FCC regarding cable programming service if the City Council desires to do so.

Mr. Dan Martin, General Manager of TIC Cablevision of Asheville, requested the Council to approve the amended FCC Form 393 rates, which below is an example of an average customer before and after the rate change:

Before 9/1/93 After 9/1/93 393 "Permitted"

Basic \$10.00 \$ 9.77 \$ 9.55

Expanded 9.75 11.17 10.91

Copyright .36 0 0

Add'l Outlet 2.95 0 0

1 Pay 9.95 12.90 12.90

(2) Converter 7.90 2.20 3.70

(2) Remotes 0 .16 .28

Total \$40.91 \$36.20 \$37.34

He said that the current rates are a reduction of \$4.71 or 13% in the average customer's monthly bill. He said many customers with multiple outlets and converters have seen an even larger reduction in their rates. He noted that they will charge more for some items and less for others according to their amended FCC Form 393 rate schedule. Since the information has been computed by their accounting group in Denver, he offered to meet with Council and get them in touch with those individuals in order to explain where the information came from and how it was arrived at.

Mr. Martin answered various questions from Council relating to the delay in turning in the rate schedule and how Asheville's rate compared to cities of similar size.

When Councilwoman Field specifically asked what rate schedule the Council was being asked to approve, Mr. Martin responded that he was asking Council to approve the rates to go from \$9.77 to \$9.55 for basic, \$11.17 to \$10.91 for expanded, and so on, as the above schedule shows.

Upon inquiry of Councilwoman Field, Mr. Martin said that he hasn't done the calculations yet to see what effect this latest change of cuts will have on the City's utility tax check.

Vice-Mayor Peterson asked questions as they related to the utility tax checks. Mr. Martin explained that the utility tax check is given to the City twice a year and stated that he would be happy to meet with Vice-Mayor Peterson and explain to him exactly how the figures are calculated.

Councilwoman Field moved to adopt Resolution No. 94-5 which states that the Asheville City Council hereby determines that it is necessary to extend the time period for review of the rate schedule of TCI in order that it may consider the information submitted by TCI and comments from interested parties

and that said extension is hereby provided for by continuing the public hearing on this matter until 4:00 p.m. on -5-

February 22, 1994, in the Council Chamber in the City Building. This motion was seconded by Councilman Watts and carried unanimously.

Ms. Brison said the resolution adopted also provides that a notice to the public, including the rate schedule submitted by TCI, be published on the CityWorks page of the Asheville Citizen-Times on February 11 and 18, 1994.

C. PUBLIC HEARING RELATIVE TO MALVERN HILLS COMMONS

Mayor Martin opened the public hearing at 4:52 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that the property for the proposed Malvern Hills Commons is located off of Smoky Park Highway across from the Asheville School in the City's extraterritorial jurisdiction. The property is bordered on the north and northwest by Old Haywood Road. The proposal is to develop approximately 19 acres of the 32.53 acre site for a 70,500 square foot shopping center. Access to the shopping center would be provided by the creation of a new street which would bisect the property and run between Smoky Park Highway and Old Haywood Road. To facilitate access from Smoky Park Highway, a bridge will be widened at the developer's expense. The site's terrain varies from gently sloping to relatively steep. The site is zoned Commercial Service and the adjacent zoning is Commercial Service to the east and south and R-3 elsewhere. The remainder of the site will be developed in the future and will go through the group development and/or subdivision process at that time.

It appears that the project does meet the City's requirements for group developments although a detailed landscape plan still must be submitted and approved. At their December 1, 1993, meeting, the Asheville Planning and Zoning Commission voted 4-3 to recommend approval of Malvern Hills Commons with the following conditions:

1. Approval from NCDOT must be obtained for the driveways, and for the bridge widening.
2. Approval from Southern Railroad for driveway construction and grading in the railroad right-of-way.
3. Submittal of a detailed landscape plan.
4. That approvals be obtained for fire protection and water availability.

Notifications were sent to surrounding property owners. Several individuals called the Planning Department requesting additional information about the project. At the Planning and Zoning Commission meeting, several individuals expressed concern about the future development of the remainder of the site.

He said that NC DOT has denied their request to widen the bridge and therefore the conditions imposed by the Planning and Zoning Commission listed as numbers 1 and 2 above are no longer applicable.

Councilwoman Sitnick asked what measures would be provided for stormwater control. Mr. Ken Pankow, engineer for the project, stated that even though the City cannot require the developer to put in any stormwater control measures,

they are in fact building a stormwater detention pond.

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When questioned by Councilman Watts about plans for future development, Mr. Green stated that the City has not received any information on those plans yet, but they would be coming before the City Council for approval.

Vice-Mayor Peterson asked why they had not submitted a detailed landscape plan. Mr. Pankow responded that they did in fact submit a landscape plan but it was not a plan satisfactory to the City staff. He said that they would be resubmitting a detailed plan.

Upon inquiry of Councilman McClure about water availability, Mr. Pankow responded that they just had gotten their flow test results from the Water Department and water is available.

Mr. Harry Giezentanner, Realtor, urged Council to approve this group development.

Mr. Jim Macgill, resident on Evergreen Avenue, spoke about concerns he had relative to traffic.

When Councilwoman Field asked where the next closest grocery store was, she was told it was approximately 1/4 of a mile.

Mayor Martin closed the public hearing at 5:15 p.m.

Vice-Mayor Peterson moved to approve the site plan for Malvern Hills Commons subject to conditions 3 and 4 above being met and subject to the stormwater detention pond being built. This motion was seconded by Councilman Swicegood and carried unanimously.

Councilwoman Sitnick urged the developers to keep open lines of communication with the neighbors in the area which will ultimately benefit everyone involved.

D. PUBLIC HEARING RELATIVE TO THE BROADWAY WIDENING PROJECT

Mayor Martin said that this public hearing would be held at the end of the Council meeting.

III. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2070 - AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 22 OLIVE STREET

Mayor Martin said that the public hearing on this matter was held on November 9, 1993. This action has been tabled previously in order to give staff an opportunity to work with the Housing Authority to provide adequate housing to the individual living in the structure.

Mr. Jeff Trantham, Assistant Director of the Building Safety Division, stated that alternative housing (at Klondyke Apartments) has now been found for the occupant, 22 Olive Street is vacant at this time and written consent from Steven D. Allen has been obtained to demolish 22 Olive Street.

Mayor Martin said that members of Council have been previously furnished with a copy of the ordinance and it will not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2070. This motion

was seconded by Councilman Swicegood.

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On a roll call vote of 7-0, Ordinance No. 2070 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 115

IV. NEW BUSINESS:

B. FINAL PLAT APPROVAL FOR JAKS RIDGE SUBDIVISION

Mr. Gerald Green, Senior Planner, said that Jaks Ridge Subdivision is located off of New Haw Creek Road just south of Maple Drive. The request is to subdivide an approximately 2.6 acre site into three (3) lots (lot 1 @ .8 acre, lot 2 @ .764 acre, and lot 3 @ .749 acre). The site lies within the R-2 residential zoning district. Adjacent zoning is R-2 to the north, south, and west and R-1 to the east. The site slopes moderately upward to the west. The three lots will be accessed by a proposed cul-de-sac (Jaks Ridge Drive) which will be approximately two hundred-fifty (250) feet in length.

The proposed subdivision meets the requirements of the Asheville zoning ordinance and the subdivision regulations. In addition, all utilities and the Fire Department have approved availability of services to the site. At their October 6, 1993, meeting, the Asheville Planning and Zoning Commission approved the preliminary plat of Jaks Ridge Subdivision.

Councilwoman Sitnick moved to approve the final plat of Jaks Ridge Subdivision. This motion was seconded by Councilman Swicegood and carried unanimously.

B. ORDINANCE NO. 2071 - AN ORDINANCE SETTING A 45 MPH SPEED LIMIT FOR HENDERSONVILLE ROAD (US 25) FROM SR 3162/SR 3552 (ROYAL PINES ROAD) TO INTERSTATE 40 (I-40))

Public Works Director Jim Ewing said that the North Carolina Department of Transportation recommended that the speed limit on Hendersonville Road (US 25) from Rock Hill Road to Interstate 40 (I-40) be posted at 45 mph upon completion of the Hendersonville Road Project. The City agrees with this recommendation. The project is nearing completion. Thus, the speed limit needs to be changed.

Mr. J. Loyd Kirk, 866 Hendersonville Road, stated that a speed study by NC DOT was done on December 7, 1993, indicating that from 10:00 a.m. to 3:00 p.m. on December 7, 1993, 46.6% of all northbound vehicles exceeded the 45 mph speed limit and 4.6% of all northbound vehicles exceeded 55 mph. He said that it was clear that his concerns about speeding on Hendersonville Road, expressed during the 1993 hearings on the Hendersonville Road study, were confirmed by this NC DOT speed study. He asked Council to stop the vehicular traffic from speeding on Hendersonville Road before a serious accident injures or kills either a motorist or a pedestrian, or both. He suggested that a speed limit of 35 mph be posted, or at the most 40 mph.

Mayor Martin instructed the City Manager to pass along the information to the Police Chief to see what can be done about the speeding.

Mayor Martin said that members of Council have been previously furnished with a copy of the ordinance and it will not be read.

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Councilman Watts moved for the adoption of Ordinance No. 2071. This motion was seconded by Councilman Swicegood.

On a roll call vote of 6-1, Ordinance No. 2070 passed on its first reading, with Councilwoman Sitnick voting "no".

ORDINANCE BOOK NO. 14 - PAGE 117

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE SPECIAL MEETING HELD ON DECEMBER 17, 1993, AND THE REGULAR MEETING HELD ON DECEMBER 21, 1993

B. RESOLUTION NO. 94-6 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH BUCKEYE CONSTRUCTION COMPANY INC. FOR THE PROJECT KNOWN AS HAW CREEK ANNEXATION - PHASE II 8-INCH SEWER LINE

Summary: This project involves approximately 8,650 linear feet of 8-inch sanitation sewer pipe and 1,650 linear feet of 4-inch sanitation sewer service pipe and 81 manholes. After receiving the bids, the Director of Engineering recommends awarding this bid to Buckeye Construction Company Inc., as the lowest responsible bidder, in the amount of \$426,957.97. See complete bid summary attached hereto as Exhibit "A".

RESOLUTION BOOK NO. 21 - PAGE 222

C. MOTION TO APPROVE THE COMMUNITY DEVELOPMENT BLOCK GRANT PRIORITY RATING SYSTEM FOR FISCAL YEAR 1994

Summary: During February 1994 the City will be receiving applications from agencies desiring to receive CDBG funding for the coming year. The Housing and Community Development Committee has recommended approval of the priority rating system to be used. This system places the highest priority on activities designed to improve or expand the affordable housing stock of the City.

D. RESOLUTION NO. 94-7 - RESOLUTION APPOINTING EUGENE ELLISON TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Summary: Russell Martin has resigned as a member of this Board. This resolution will appoint Eugene Ellison to serve the unexpired term of Mr. Martin, term to expire November 13, 1995, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 21 - PAGE 223

E. RESOLUTION NO. 94-8 - RESOLUTION APPOINTING CAROL FABREY AND FATHER ANDREW GENTRY TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

Summary: The terms of Charlotte Tell and Linda McDaniel expired on December 31, 1993. This resolution will appoint Carol Fabrey and Father Andrew Gentry to serve a three year term, term expiring December 31, 1996, or until their successors have been duly appointed and qualified.

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F. RESOLUTION NO. 94-9 - RESOLUTION APPOINTING GARY McCLURE, ALAN LEVY, BONNIE HOBBS, BRADY BLACKBURN, CHUCK PICKERING AND CHUCK CLONINGER TO THE ASHEVILLE DOWNTOWN COMMISSION

Summary: The terms of Charles Worley, Michael Linney, M. Charles Cloninger, Bonnie Hobbs, Brady Blackburn and Chuck Pickering expired on December 31, 1993. This resolution will (1) appoint Gary McClure to serve a term according to the length of his Council term of office, (2) reappoint M. Charles Cloninger to serve a term according to the length of his office as President of the Downtown Association, or until his successor has been duly appointed and qualified; (3) appoint Alan Levy to serve a two year term, or until his successor has been duly appointed and qualified and (4) reappoint Bonnie Hobbs, Brady Blackburn, and Chuck Pickering to serve two year terms respectively, terms to expire December 31, 1995, or until their successors have been duly appointed and qualified.

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G. RESOLUTION NO. 94-10 - RESOLUTION REAPPOINTING MITCH McENTIRE TO THE FIREMEN'S RELIEF FUND

Summary: The term of Mitch McEntire expired on December 31, 1993. This resolution will reappoint Mr. McEntire for an additional two year term, term to expire January 1, 1996, or until his successor has been duly appointed and qualified

RESOLUTION BOOK NO. 21 - PAGE 227

H. RESOLUTION NO. 93-11 - RESOLUTION SETTING A PUBLIC HEARING FOR JANUARY 25, 1994, RELATIVE TO DEMOLITION OF 29 MADISON LANE, ASHEVILLE, NORTH CAROLINA

RESOLUTION BOOK NO. 21 - PAGE 228

I. RESOLUTION NO. 93-12 - RESOLUTION SETTING A PUBLIC HEARING FOR JANUARY 25, 1994, RELATIVE TO DEMOLITION F 92 BRYANT STREET, ASHEVILLE, NORTH CAROLINA

RESOLUTION BOOK NO. 21 - PAGE 230

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

VI. OTHER BUSINESS:

A. MOTION TO CUT COUNCIL SALARIES

Councilman McClure moved to cut Councilmember salaries by 33%. He felt that since the Council was elected to be fiscally responsible, they should lead by example and make a symbolic gesture to cut their salary. This motion was seconded by Vice-Mayor Peterson.

Councilwoman Sitnick didn't have any problem with cutting her pay, however, serving the City was full-time work and was amazed that anyone could become a member of City Council and have a regular job. She applauded Councilman McClure for making the gesture, however, wanted to make sure that the public understood that this reduction in pay would in no way diminish the amount of work on her part. She stated that she would like to look at other areas in the budget so Council can live up to their mandate of being fiscally responsible.

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Councilwoman Field stated that the reduction might have to reflect diminished input on her part.

The above motion was defeated on a vote of 2-5, with Mayor Martin, Councilwomen

Field and Sitnick and Councilmen Swicegood and Watts voting "no."

Councilwoman Field moved to table this matter until Council's retreat at which time it would be seriously looked at. This motion was seconded by Councilman Watts and carried unanimously.

B. BILTMORE DAIRY FARMS SEWER LINE

Councilwoman Sitnick stated that on December 21, 1993, Council was presented with an option to vote on the City contributing 1/3 of the cost of construction of a sewer outfall line (not to exceed \$185,000) for a Biltmore Dairy Farms Inc. project. She, in fact, voted in favor for this, however, she apologized for her affirmative vote and attributed it to her lack of information, poor judgment and newness on Council. She felt the City should support investment in development, but there are other areas already annexed that are not receiving the services they should. In reflection, she wished she could take back her affirmative vote.

C. GROUP DEVELOPMENTS

Mr. Gerald Green, Senior Planner, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission on January 5, 1994:

UNC-A - PHYSICAL EDUCATION BUILDING

Mr. Green said that UNC-A is proposing the construction of a two-story, 51,000 square feet physical education building. The building is proposed to be located between the existing track and the Justice Gym. The site and all property surrounding the site is owned by the University and contained within the OI zoning district. The proposed project meets the minimum requirements of the zoning ordinance and has received approval for availability of services from the Fire Department.

At their January 5, 1994, meeting, the Planning and Zoning Commission voted to recommend approval of the project with one condition, i.e., approval for availability of services must be obtained from the A-B Water Authority and MSD.

A few neighboring residents voiced their concern at the meeting regarding existing adverse traffic problems on streets surrounding the University. A representative of UNC-A recognized the existing situation and indicated that no new traffic access points will result from the proposed building. Additionally, one neighboring resident voiced a concern about the impact of the new building on the sanitary sewer lines along Division Street. The Planning staff and MSD are working with the residents to address the concerns.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

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LAUREL BRIDGE HOUSING COMMUNITY

Mr. Green said that Mountain Housing Opportunities is proposing the development of a 10-unit housing development on the site located off Mountain View Road and Whitson Road in Haw Creek. Five duplexes are planned for the site, with two of

the units to be handicap accessible apartments. The development will be accessed from Whitson Road and by the construction of a new street from Mountain View Road. The proposed street from Mountain View Road will be constructed on an existing public right-of-way and will be built to City standards. Laurel Bridge Housing Community is proposed as an affordable housing development which will provide housing for those people preparing to purchase homes.

The project site is zoned R-3 and the proposed development complies with all requirements of the zoning ordinance. After reviewing the development plans, the Planning and Zoning Commission unanimously recommended approval of the project with the following conditions:

1. Receipt of letters confirming availability of water and sewer services;
2. Construction of Shady Circle to City specifications;
3. Installation of a new fire hydrant to provide fire protection to the development; and
4. Provide two parking spaces for each home.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

D. H. K. EDGERTON COMMENTS RELATIVE TO INTERIM

CITY MANAGER

Mr. H. K. Edgerton spoke about the great injustice that has been done to Assistant City Manager Charles Penny by not appointing him as Interim City Manager.

E. PETITION - TRAFFIC LIGHT AT INTERSECTION OF

MERRIMON AVENUE AND COLEMAN AVENUE

Mr. Lloyd Coffee, presented Council with a petition containing approximately 225 signatures to install a traffic light at the intersection of Coleman Avenue and Merrimon Avenue. The reason is that the traffic flow is very heavy, and because of the many children (over 300) that live only a few blocks from the intersection and cross to the park daily. One 10 year old child has been killed in 1993. In addition, one 8 year old child has been hit, and is still in Thom's Rehabilitation and may never walk again.

He urged Council to do something temporarily while the State is working on it. He suggested Council send a letter to the State recommending a traffic light at that intersection. He asked that the bushes be cut back at the intersection where Weaver Boulevard and Coleman meet.

Councilwoman Sitnick stated that all of Merrimon Avenue needed to be looked at, assessed and improved, in particular traffic speeds and traffic patterns.

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Councilwoman Field, Chairman of the Transportation Advisory Committee, will take this matter up at their next meeting with DOT to see what the City can do.

Mayor Martin instructed the City Manager to have the Traffic Engineer and also

the Chief of Police look into this very dangerous situation.

F. MOTION TO ENTER INTO AGREEMENT WITH

WILLIAM B. FARRIS

Councilman McClure moved to authorize the Mayor to execute a contract with Interim City Manager William B. Farris. This motion was seconded by Councilwoman Sitnick and carried unanimously.

G. CLAIMS

City Manager Farris said that the following claims were received by the City of Asheville during the week of December 20-24, 1993: Alice McDonald (Water), Shannon E. Bell (Police), Becky Norton (Streets) and Sally Lentini (Streets).

He also said that the following claims were received during the week of December 24-28, 1993: Evonne Sullivan (Water), Southern Bell (Water) and Diane Powell (Water).

He said the following claims were received during the week of January 3-7 1994: Gwendolyn A. Clay (Police), Tammy Metcalf (Streets), Gary Long (Water), Edward P. Rice (Streets), Chris Baird (Streets), Jim Thompson (Water), Angel Miller (Water), Cindy Jolly (Inspections), and June E. Hutchison (Fire).

He said that these claims would be referred to the appropriate insurers for investigation.

Councilwoman Field moved to take a recess for Council to have supper with NC DOT officials and to reconvene the regular meeting at 7:00 p.m. in the Civic Center Banquet Room to hold the public hearing relative to the Broadway Widening Project. This motion was seconded by Councilman Watts and carried unanimously.

Mayor Martin reconvened the regular Council meeting in the Banquet Room of the Asheville Civic Center at 7:05 p.m.

PUBLIC HEARING

PUBLIC HEARING RELATIVE TO THE BROADWAY WIDENING PROJECT

Mayor Martin opened the public hearing at 7:16 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Ron Fuller, Transportation Planner, explained in detail the Broadway Widening Project. In summary, he outlined (1) the history of the project, (2) transportation challenges, (3) daily traffic projections, (4) potential growth factors, (5) greenway development, (6) three-lane versus four-lane, (7) plan comparisons, (8) re-design of the intersection, and (9) the importance of land use regulation.

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Mr. Blake Norwood, representative of NC DOT, spoke about the City, DOT and special interest groups each being well intentioned and each having the City's best interest at heart. Unfortunately, as each looks at the same situation, different conclusions are drawn. He outlined the significant benefits of the project and stressed that DOT has worked in cooperation with the City over the

past 10 years, doing environmental studies, public hearings, design of the project, re-design of the project, acquisition of all right-of-way and now is on the verge of letting the project in June of this year. NC DOT has listened to the concerns of the community over the years, i.e. sidewalks on the east side of the project, wider outside lanes for bicycles, providing \$188,000 to make this a beautiful aesthetic route into the central business district, and has purchased right-of-way for a greenway. He said that DOT has bought 100% of the right-of-way, moved people from their homes and demolished the houses. The State has spent \$1.7 Million of taxpayers money in a good faith cooperation with the City over this 10 year period of time. They have received Transportation Advisory Committee and Federal Highway Administration approval to move ahead with this project. They have meet federal requirements and all State statutes with regard to building this project. He said it is DOT's position to move forward in June of this year unless the City would ask that the project be stopped and at that time be willing to reimburse the taxpayers the \$1.7 Million expended to date on this project. DOT feels that the time for discussion is past and DOT should be allowed to move forward.

Vice-Mayor Peterson stressed that it has been ten years since the project was originally approved and neighborhoods change. All the Council has asked is to let them review the project and to take another look at it.

Mr. Norwood responded that DOT has revisited the project (as late as 1991) and does not believe that the situation has materially changed since the project study was done. Mr. Norwood said that their primary concern is for taking care of potential capacity problems in the design years 2010 and 2020 and not to build a project that would not accommodate that type of volume in the future and then have to come back again. He again stressed that DOT has worked with past Councils on their assurances, letters sent to the Governor asking for this project, \$1.7 Million spent in good faith and now this Council is suggesting that things may have changed. He asked that the City reimburse the money already expended so that DOT can use it elsewhere.

Councilwoman Sitnick stated that the people she has talked to are in favor of improving Broadway - the question is to what width. She questioned why a 3 lane, with a bike lane and a turning lane, could not handle the 14,000 car projection. She stated that even though she is not in favor of zoning for commercial development along Broadway, Council in the future might favor that type development. She questioned the current DOT design width of 74 feet for Broadway and was distressed of putting that much road in between two neighborhoods. She wondered if the City will have the necessary funds to maintain the additional widening. She asked DOT why they were not willing to wait a year and what the pressure was to resist considering the alternative.

Mr. Norwood said that, through the course of studying options for this project, they have examined the options of a 3 lane presented by this group. DOT does not believe the 3 lane will provide the future capacity of the road.

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Councilwoman Sitnick suggested DOT going with a design that cost 1/2 as much as the current design project and reimbursing the other 1/2 to the taxpayers. Mr. Norwood stated that DOT could not return the \$1.5 Million already spent for right-of-way and the construction cost for the facility is about \$1.25 Million. He said that going down to a 3 lane would not be a dramatic savings. He offered to put together those figures and get them to the Council.

Councilman McClure said that both sides on this issue have merit in that both groups are concerned about Asheville. He asked specific questions relative to the best and worst case scenarios.

Councilman Watts questioned the outcome of the project if the project was put off.

Upon inquiry of Councilwoman Field, Mr. Norwood said that very minor changes could be made to the plan prior to the letting of the project in June.

A question arose concerning the State North Carolina School of Design and it's work with DOT on a road that bisected the Research Triangle Park. Mr. Norwood said that for that project, DOT actually did the design but they did take into consideration some recommendations the students made. He stressed that it is the DOT's responsibility for the design and to do the design and they don't feel comfortable in trusting that responsibility to anyone outside of DOT.

Councilwoman Sitnick asked why DOT could not maintain the acquisition of those rights-of-way and create more greenway instead of widening the road. Mr. Norwood stated that State law only allows DOT to condemn property for use as a transportation facility and no other purpose.

Ms. Betty Lawrence, representative of the Broadway Improvement Project (BIP), stressed that the group is only asking for the group, City Council, TAC and DOT to take another look at the design of the road. She addressed the issue about the City being liable to reimburse DOT back the \$1.7 Million. She summarized BIP's concerns which include, but are not limited to, sidewalks only on the east side of the road (the DOT design takes out the existing sidewalks on the west side), the width of the road will encourage speeding, the width will encourage traffic signals (which will impede traffic), the deletion of the bike path going into downtown, the division of neighborhoods and inadequate space for the greenway.

Below are the major DOT design particulars:

- From Catawba Street to Chestnut Street (Five Points) the road will be widened to a four-lane facility
 - A 16 foot landscaped median will be constructed from Catawba Street to Ocala Street
 - The median will end east of Ocala Street as the road transitions from divided roadway to undivided roadway
 - A sidewalk will be constructed on the east side from Chestnut to W.T. Weaver Boulevard
 - The 2 outside traffic lanes will be 14 feet in width and striped to accommodate bicycle traffic
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- The 2 inside lanes will be 11 feet in width
 - Turn lanes will be constructed at each of the intersecting roadways
 - The intersection of Woodrow Avenue and Ocala Street will be re-aligned so they intersect Broadway at the same location
 - Two of the major curves in Broadway will be re-aligned. One is between Catawba and Hillside. The other is between Ocala and Magnolia
 - The portion of Broadway from Chestnut Street to Lexington will not be widened. It is currently scheduled to have the on-street parking removed and to

be re-surfaced and re-striped to either a three-lane or a four-lane facility

- The existing design of the intersection of Broadway and Lexington/Merrimon is being examined in order to more safely handle the traffic and to provide a crucial link from downtown to Broadway Avenue

- The posted speed limit will remain at 35 mph

The following individuals spoke in favor of the DOT design (4-lane):

- L.J. Hensley, raised on Broadway

- Mike Moser, speaking on behalf of, and as past

Chairman of, the Planning & Zoning Commission

and the UDO, and representative of the Chamber of Commerce, businessman and resident of that area

- Steve Holt, Chief Executive Director of the

Chamber of Commerce

- Larry Wilson, Interim Chancellor of UNC-A

- Henry C. McFee, resident

- Tom Bacon, Director of MAHEC

- Christine Curry, 188 Cherokee Road

- Barbara Hodgson, 107 Evelyn Place

- Dennis Hodgson, 107 Evelyn Place

The following individuals urged Council to take another look at the design, recognizing that Broadway needed to be improved - but not to a 4-lane. Comments included, but are not limited to: pedestrian safety, sidewalk inadequacy, safety for bicyclists, unwanted strip development, expense of maintaining median and excessive speeding.

- Nancy Bungardner, 146 Murdock

- Ruben Faulkner, resident of Asheville

- Rob Neufeld, Librarian and Historian

- Rosa Davis, resident of Tunnel Road section

- Ileana Grams, 332 Barnard Avenue

- Alexis Gault, 44 Woodrow Avenue

- Sarah Wall, representative of the Norwood

Park Neighborhood Association

- Hazel Fobes, resident

- Charles Hill, 805 Ridge Road

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- Amy Fahmy, representative of the Coalition for

Community Conservation, a joint partnership between the Landscape Architecture Department and the North Carolina State School of Design and the Conservation Trust - showed slides

- Rusty Sivils, presented petition which reads in

part "We, the undersigned citizens of North

Carolina, want improvements to Broadway from

Chestnut St. north to Catawba St. We, neverthe-

less, strongly oppose the current plans to widen

that road to four lanes . . ." He said petition

contained approximately 1,000 signatures.

- Jerry Snow, 30 Watauga Street

- Doug Nicely, 37 East Chestnut Street

- Mary Everhart, Courtland Avenue resident and UNC-A student

- Albert Demartino, UNC-A student

- Peter Loewer, 185 Lakewood Drive

- Greg Gregory, 1020 Hendersonville Road

- John Garashay, 75 West Street

- David Walter, 39 North Street

- Carl Nyberg, 7 Buckingham Court

- Gawain Mainwaring, Montford resident

- Cindy Allen, 1065 Riverside Drive

- Mary Jo Brezny, Montford Avenue

- Richard Harrison, 23 Woodley Avenue

- Martha Walz, resident

- John Legerton, 6 Bolling Park Road

- Jim Samsel, 132 Norwood Avenue

- Scott Dedman, 209 Cumberland Avenue

- Art Booth, 45 King Street

- Laura Deaton, North Carolina Alliance for

Transportation Reform

- Annabelle Green

- Megan Gordon, 35 Cullowee Street

- Billie Buie, 2 Horizon Hill Road

- Nelson Lordman, 68 Courtland Avenue

Mr. Brady Blackburn, Chairman of the Downtown Commission, stated that he was neutral, but wanted Council to carefully consider the increased traffic at the I-240 interchange. He urged Council to make it safe for our citizens and tourists to get into our downtown area.

When Councilwoman Field inquired about the Coalition of Community Conservation working with the City and DOT on this project, Ms. Amy Fahmy said that if DOT goes with the 4 lane, there is not a lot of point in trying to say there's going to be a greenway. She said they are really interested in having a quality road and will provide some services if a 4 lane goes in; however, they would prefer to work with BIP on a 2 lane. She felt that the amount of time and energy they would have to put in free of charge would not be worthwhile for just a token sidewalk and a couple of feet on the edge of the road if a 4 lane goes in.

Councilwoman Sitnick moved that the Asheville City Council request another meeting with Gordon Myers (Board of Transportation), Blake Norwood (Department of Transportation), members of the Transportation Advisory Commission, and the City Council in order to address the overwhelming public outpouring of concerns regarding the Broadway -17-

Widening Project so that the Council, the Board of Transportation, the Department of Transportation and the Transportation Advisory Commission can find a workable compromise on this project. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Councilman Swicegood stated that he favored a 4 lane, but he would also be in favor of taking a look at a median change to possibly provide for a bigger bike path. He did not want this matter put off for a long period of time.

Mayor Martin closed the public hearing at 10:53 p.m.

Councilwoman Field totally supported sitting down and talking with all groups involved. She was committed to finding something that works for the community and felt it was important to have a meeting and listen to both sides.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 10:55 p.m.

CITY CLERK MAYOR
