

Tuesday - April 4, 1995 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Chris Peterson, Presiding; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, and Councilman Joseph Carr Swicegood; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Mayor Russell Martin (out of town) and Councilman Herbert J. Watts (in hospital) - At certain times, Councilman Watts was able to participate in the meeting by use of a speaker phone. At those times, it will be noted.

INVOCATION

Councilwoman Sitnick gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 95-49 - RESOLUTION TO RETIRING EMPLOYEE R.L. CARVER

Vice-Mayor Peterson read the resolution stating that Lee Carver has been an employee for 21 years and has requested retirement from his position as Captain in the Asheville Police Department. He expressed City Council's appreciation to Lee for his service to the City of Asheville and its citizens.

Vice-Mayor Peterson said that he has received Captain Carver's request to purchase his weapon as allowed by State law and would have the City Manager look into the City's policy.

Councilman McClure moved for the adoption of Resolution No. 95-49. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 235

B. PRESENTATION OF DISTINGUISHED BUDGET PRESENTATION AWARD FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

Vice-Mayor Peterson presented Audit/Budget Director Robert G. Wurst with the Distinguished Budget Presentation Award which is the highest form of recognition in governmental budgeting and represents a significant achievement by the City of Asheville.

C. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 9-15, 1995, AS "BUILDING SAFETY WEEK"

Vice-Mayor Peterson proclaimed the week of April 9-15, 1995, as "Building Safety Week" in the City of Asheville and presented Fire Chief John Rukavina with the proclamation.

On behalf of City Council, Vice-Mayor Peterson thanked Fire Chief Rukavina and the entire Fire Department for the excellent way the recent fire was handled. Fire Chief Rukavina thanked the neighboring fire departments for coming to Asheville's assistance.

Councilwoman Field stated that a benefit will be held to help the victims of the fire.

D. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 10-16, 1995, AS "COMMUNITY DEVELOPMENT WEEK"

Vice-Mayor Peterson proclaimed the week of April 10-16, 1995, as "Community Development Week" in the City of Asheville and presented Mr. Marvin Vierra, Community Development Director, with the proclamation who briefed the Council on the activities taking place during the week.

RESOLUTION AUTHORIZING APPLICATION FOR SUPPORTIVE HOUSING PROGRAM FUNDS

Councilman Watts was able to participate in this portion of the meeting via speaker phone.

Mr. William B. Farris, at the direction given by Council on March 28, 1995, outlined a project plan for Supportive Housing funds. He stated that the time available for preparing such a plan was very limited, however, based on an analysis of the community's homeless population needs, he, and Mr. Scott A. Redinger, is recommending the City of Asheville submit an application for funds to provide housing assistance and support services for women and families who are victims of domestic violence.

Mr. Farris described the provisions of the Supportive Housing Program.

As a result of a review and analysis on gaps in the community's services for the homeless population, they have concluded that the City's priority needs are in the following areas: Transitional housing for women and families who are fleeing domestic violence; day care for children of women who are victims of domestic violence; and case management to improve the coordination of support services and to assist families to move out of transitional housing into permanent housing. Transitional housing is intended to provide an interim home for domestic violence for a period of 12 to 24 months with an average stay of 18 months. During this period of transition, the family is assisted by a case manager and receives assistance in planning for return to permanent housing, counseling, education for special needs, job training, and other services designed to help overcome the effects of violence.

To underscore this needs assessment, Helpmate, Inc., the City's major domestic violence agency, turned away 67 women and 59 children from their shelter facility over the last 6 months due to space limitations. In addition, there is no transitional housing in the community to meet the special needs of women and children who are domestic violence victims. Finally, shelter operators focus almost exclusively on maintenance, crisis management, and emergency financial assistance, with little time available for support services.

Domestic violence families need access to assisted housing. They cannot access the City's assisted housing resources primarily due to the extremely long waiting lists. More than 500 individuals and families are eligible and waiting for public housing; more than 1,000 are waiting for publicly assisted housing.

To meet the needs of domestic violence families, it was recommended that the City apply for Supportive Housing Program grant funds for "transitional housing" and "supportive services." He then outlined how the funds would be used:

Transitional housing. Funds for this source will provide Section 8 rental assistance for 16 domestic violence families over a three year -3-

period. With an average stay of 18 months, the initial grant will serve a total of 32 families. Initially, it will be necessary to locate these families on scattered sites. However, a long range plan to create a single site in an

existing development will make it easier to provide support services and to address safety needs of the families.

Support services. These funds will provide an array of services to meet identified needs. Helpmate Inc. is recommended to be the subrecipient and to be the lead agency for delivery of these services. Helpmate appears to have the experience and management experience to be successful.

The Section 8 rental assistance for domestic violence families will be used for scattered sites in existing housing developments. The assistance will result in no additional housing units. It will only provide for financial assistance needed to permit the families to access existing housing.

The project is designed so that tenants will contribute \$75 per month to a saving account that will provide approximately \$1,350 to be used at the end of the transition period to help the tenant to move to permanent housing.

After investigation, we determined that it may be feasible to assist a local, non-profit corporation to acquire, rehabilitate, and improve the management of the existing 100 apartment units at Mountainside Apartments. It is their understanding that this apartment project is a continuing trouble spot for the Police Department and the neighborhood. If Mountainside could be upgraded significantly, it would solve community problems and it would be a desirable site for the 16 transitional units. Unfortunately there was not time to develop this alternative. Work continues on this project and it may be possible to assign the Section 8 units to this development in the future.

It is recommended that the applicant for the funds be the City of Asheville and that the City administer the grant funds through the Community Development Division. Due to the small amount of the grant, no funds are requested to cover the City's administrative costs.

The program is designed to minimize the requirement for City funding and to provide maximum leverage for the City funds committed to the project. For the three year period, a total of \$544,985 is requested from HUD; the City's total contribution is \$100,000, or \$33,000 per year. Block Grant funds may be used to provide this match. However, use of local funds for the match will result in a stronger application.

Mr. Farris thanked the Council for the opportunity to be involved in this project. He felt that the project meets a very real community need and that it will be competitive.

Councilwoman Sitnick said that the Housing and Community Development chaired by Vice-Mayor Peterson found out about this a couple of weeks ago and immediately set on seeking the possibility of getting these funds. I would like to read a couple of things into the record, not that I think that the focus of the application needs substantiation but I would like it in the record so that it reflects the commitment of this Council to help the needy in our community. Up to 50% of all homeless women and children in this country are fleeing domestic violence. There are nearly three times as many animal shelters in the -4-

United States as there are shelters for battered women. In the first year after divorce a woman's standard of living drops 73% while a mans improves by an average of 42%. In 1991 children comprised 50% of the poor in the United States and they are more likely to become poor than any other age group. Children's lives are frequently disrupted by moves to escape that domestic violence. They lose considerable time from schools, they flea home without book money, changes of clothing and they live in the family car when shelters are unavailable, or housing. Many battered women return to relationships because they become

homeless and are no longer able to provide for their children and fear losing custody of their children. Due to space limitations for every one woman accepted into a battered woman's shelter, two women and their children are turned away. In some urban areas, five to seven women are turned away for every two women served. The Affordable Housing Coalition in Durham received a grant from HUD in 1993. They focused on transitional housing for homeless families and 50% of the referrals have been from the battered women shelter in Durham. Of the 23 families that have been transitioned into permanent housing, only one household has relapsed into homelessness. So I'd say that's a pretty good statistic for us to strive for. What I would like to do, as the person assigned by the Vice-Mayor to seek out the opportunities for Asheville to apply for this money, I would like to ask why you have decided to apply for \$500,000 over three years when there was the availability of \$500,000 a year for three years. Was it the short time? Was it the specific focus? Did you feel like the grant application would be more competitive?

Mr. Farris said that he observed the application last year was much larger and much more complex than this one and included, as a result, a lot more money. It was not approved. I think that one of the reasons is that it may be in attempting to address all these valid needs, it lacked some focus. We have attempted to provide focus in this so that whoever reviews this application can clearly know what the City of Asheville is asking for and what it's going to do with the money. And that it's clear that there is some management mechanism in place there to make sure that this gets done. The second thing is that our review of the needs shows that domestic violence is a population that is a priority in that gap. There are other priorities there but this is one that we feel we can put something together and that you can get it funded.

Councilwoman Sitnick asked Mr. Farris if they compared the needs of victims of domestic violence with families with children who don't have access to the system? Mr. Farris responded that they didn't go through any exhaustive comparative analysis. We did have those statistics and the qualitative things from the providers and from the actual participants in these programs. We had initially some concern in two additional areas - one was the people who may have substance abuse and persistent mental illness problems and there are resources in the community now that we know about that are attempting to address a portion of that need. The other thing was that we felt that there could some additional emergency shelter assistance. But, that's not an eligible activity under this grant program and it would have to be addressed in some other way.

Councilwoman Sitnick said that this seems to be the trend nationally. There's a lot of talk now about getting away from welfare as a hand-out and as a life-style, but rather as a welfare with built in responsibility. And it would seem that the money available in this particular program strives to create getting people off the welfare rolls and putting them on the tax rolls - giving them opportunity for -5-

job training for assistance in learning how to have those daily responsibilities. One needs either dignified rental or home ownership. Of course home ownership is my number one priority. I don't think anybody could be more economically assisted or gain self-esteem than to having their own homes. So I appreciate your doing this on such short notice and I certainly hope we are in the running.

Councilman McClure asked if, in dealing with this, are we correcting the problems that we have here or are we asking for an influx of people to come here from other communities? What problem are we going to be resolving? Whose problems are we going to be solving? He wanted to be clear that we are not asking to become part of a circuit in where other communities are going to be

sending their families to us. We are dealing with Asheville and Buncombe County and we are solving our problems, not other communities problems, right?

Mr. Farris said that that would be his assessment of it. It was his sincere opinion that with this domestic violence program is addressing Asheville's problems. That may spill over into Buncombe County. The statistics show that Helpmate operates an emergency shelter and he believed the figure is that over the last six months, 67 families have been turned away from there because they are full. Those aren't folks who have come here, those are folks in the community. Mr. Farris said that sometimes these women, and it is virtually all women, may not have their families with them at this point, they may not have custody of their children at that point. But we are talking about those types of folks - not the chronically homeless group.

Councilman McClure wanted to make sure that we are not getting into that particular group of folks. We are talking about people that are, due to circumstances, say domestic violence, that maybe are thrust into an emergency situation. Is that correct?

Mr. Farris responded that yes, it was correct. He asked to talk about the emergency situation. This is all new to him, but emergency means shelter and the transitional housing is a part of that process. It's intake, shelter, transitional housing, permanent housing - in that progression. We are not necessarily talking about folks who are suddenly homeless going directly into this transitional housing. It would be required that they go through an intake process and stabilization in some other environment before they transition into this transitional house.

Councilman McClure asked what the screening process was and how do we know that we are really dealing with the problem that we are trying to resolve. Mr. Farris said the key hurdle that these families must pass in order to go from shelter environment or perhaps even a situation where they have been receiving counseling but they are living with a friend - but they have to be willing to sign a contract, in this case it would be a contract with Helpmate, which commits them to a number of things up to and including the development of a plan for their progression from transitional housing to permanent housing. That plan may include a number of elements.

Councilwoman Field said that when Council voted on this during their March 28, 1995, worksession, they did commit \$100,000 of City funds over three years assuming we got the grant, but we didn't designate whether or not it would be from CDBG or from the General Fund.

Councilman McClure felt that this was a different program than what Council discussed last week. Councilwoman Sitnick said that this -6-

is the same program and the only difference is last week, because we hadn't gone through the application program and the evaluation of the community needs part of it, there was no earmarking of the money to go to any segment. What I heard your concern was, was that you didn't want the fact that we were bringing money in here for the homeless to create a situation where a bunch of homeless people now came to Asheville to take advantage of the wonderful services we could provide. It's the same program and it's a program with built in responsibility for the recipients, and it's a problem with built in monitoring requirements for the applicant, which is the City and the subrecipient which would be Helpmate. There would be screening requirements, monitoring requirements, service requirements, etc. The only difference between what you are now hearing and what you heard last week - two differences - I had initially hoped that we would go for the \$1.5 million over three years. Mr. Farris feels we have a better chance to get some money if we go for a little

less. The second difference is the money that we are going for is from the same program, we're just saying that once the Community Development Division gets the money, it will be earmarked for women who are fleeing domestic violence situations and made homeless by them with their children. This is not a different program. It's not just an open-ended process. Same program, same federal funds. Frankly we haven't discussed whether these would be CDBG monies. I would not like to see that happen. I would like to see that the commitment from this Council to take care of the homeless needs, especially of battered women in our community and people who are fleeing domestic violence, that our commitment is strong enough towards this need that we do give City money for it and let the CDBG money, which is poor people's money, go for the programs that the CD Committee has prioritized for this year. That's up to the Council.

Councilman McClure asked again if we are resolving Asheville's problems or are we resolving other communities problems. According to what he's heard, we will be resolving Asheville and Buncombe County's problems.

Councilman Swicegood felt that this has come a long way from just funding a homeless shelter last week which we talked about and now we're talking about funding a support housing program. Out of the 67 women that were turned away from Helpmate in the last six months, do they take statistics on where these people are from - Asheville, Buncombe County, Madison County, Winston-Salem, etc.?

Mr. Farris said he did not have that information and if it does exist, he did not have time to get that far into it. He guessed that they only take that information if they intake that individual.

Upon inquiry of Councilman Swicegood, Mr. Farris said that the average stay of 18 months comes from the experience of folks who operate the transitional housing. The average family will stay an average of 18 months. Some families stay less and some stay 24 months. I think the limit on this is 24 months.

Councilman Swicegood thought that last week Council discussed the amount of match would be approximately \$17,000 over a five year period and now it's \$100,000. Councilwoman Sitnick said Council discussed the possibility that the City would have to provide matching funds and also the possibility that the City may not have to provide matching funds in cash but perhaps the City could provide a match to the application, for instance, setting aside a percentage of housing to provide for these folks - or other in-kind donations and we did not come up with a conclusion on a matching number - only that generally the match was -7-

between \$50,000-\$100,000 for \$500,000 per year for three years. Now we're looking at \$500,000 for three years instead of \$1.5 million and I would assume that the match could possibly be less, but we didn't decide on a match at the last meeting.

Councilwoman Field said her prior motion was up to \$100,000 for the program.

Councilman Swicegood asked Mr. Farris what he thought the City's chances are for getting this program. Mr. Farris said that he could not give a valuable answer because he didn't think anybody knows. He said that it meets the requirements that are outlined in the application and there are some unique things that will be done with this that maybe other communities are not doing. It's competitive and so it's tough to know what other communities are doing.

At this point in the meeting, Councilman Watts did not participate.

Councilwoman Sitnick said that she spoke with someone from Manchester, New

Hampshire, and they just made application for the Super NOFA program. They have no hospitality house facility, they have no men's and women's transitional houses - they only thing they have over Asheville is that they are an EZ community, which only gives you 1% on the application. Other communities are applying for this. The competition is going to be pretty strong.

City Manager Westbrook explained that the Council is discussing three different topics - one is a budget amendment for \$3,000 which would pay for the services of Mr. Farris for preparing the pre-application, the second is a resolution authorizing the City Manager to enter into an agreement with Mr. Farris for the preparation of this application, and the third is a resolution authorizing the Mayor to sign the homeless grant at that point in time.

Councilwoman Field moved for the adoption of a resolution authorizing application for supportive housing program funds. This motion was seconded by Councilwoman Sitnick and failed on a 3-2 vote, with Councilmen McClure and Swicegood voting "no".

City Attorney Slawter explained that the provisions of the Charter require that the majority of all members of Council not excused from the matter are required to carry the matter, therefore, it takes 4 votes for the matter to carry or not.

When Councilwoman Field asked that since the Mayor and Councilman Watts are not excused, do they vote aye? City Attorney Slawter said no, because that's only when they are present at a meeting and then leave. The official vote total is 3-2 and the Charter provision requires the majority of all members of Council - except for those who have been excused, for instance, a conflict of interest.

When Vice-Mayor Peterson instructed the City Clerk to contact Councilman Watts on the phone, City Attorney Slawter said that would be okay. However, if Council were involved in a public hearing and the phone went out, he didn't think Councilman Watts would be able to vote on the matter because he had not been able to participate fully. But on a matter like this, he felt Councilman Watts could appropriately participate.

-8-

At this point in the meeting, Councilman Watts participated in the meeting until the meeting adjourned.

City Clerk Burlison read the resolution in full to Councilman Watts, which resolution authorized the Mayor to sign an application to the Department of HUD for \$544,985 to provide transitional housing and supportive services to homeless families that are fleeing domestic violence, commits the City Council to \$100,000 over the next three years to match the grant funds from HUD, and authorized the City Manager to do all things necessary to implement the program if funding is approved.

Councilman Watts asked if this resolution pertains to wife and child abuse more than homeless. Councilwoman Sitnick responded by saying that it pertains to people who are made homeless because of domestic violence.

In response to Councilman Watts, a representative from Helpmate said that in their emergency shelter they currently have 14 bed spaces available and that can be any make up, depending on the need for cribs and toddler beds and adult beds. Sixty-seven families had been turned away from Helpmate over the last six months because there was no place to put them.

In response to Councilman Swicegood as to the statistics where the families

come from, the representative from Helpmate said that beginning on July 1 they started keeping track of that. She didn't have the exact numbers but based on what they have noticed, it's well over 99% - less than 1% that come from other counties or other parts of the State.

Councilman Watts said that Asheville has a very good reputation of good old Asheville and we already have a lot of homeless people. His concern is if we're going to benefit from it and also if the City Manager can find \$100,000 for the next three years - if those matters were addressed, he would have no problem with it. However, he felt that he needed more time on this matter and would have to vote "no".

Councilwoman Sitnick said that it seems to be the problem and concern is that if we apply for federal monies for homeless programs, whatever they are, and we receive those monies then the homeless folks are going to be coming here from all over. How they are going to get here, I'm not sure - some folks think they are bused in - I'm sure they don't have cars to get here. Does Beth Maczka have any statistics on how many homeless people are bused into Asheville from other areas because to me that seems to be to be the concern and the confusion here.

Ms. Beth Maczka said that she knew of no issue of people being bused to Asheville. She did know we had a critical homeless problem here that is related to the fact that we have the detox center in Black Mountain and a detox center in Swain County. Asheville's the largest city in Western North Carolina because of the location of these two detox centers. People go through 30 day detox and some people do come to Asheville. A lot of those people have already been residents of Western North Carolina. But certainly with domestic violence we have more domestic violence here and we can obviously handle.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CLOSE A PORTION OF RESERVOIR ROAD

-9-

ORDINANCE NO. 2199 - ORDINANCE REDUCING THE SPEED ON RESERVOIR ROAD (FROM THE ENTRANCE TO THE CITY'S RESERVOIR TO SHERWOOD ROAD) AND ON ALL OF BUCHANAN ROAD FROM 35 MILES PER HOUR TO 15 MILES PER HOUR

Vice-Mayor Peterson opened the public hearing at 5:04 p.m.

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

Mr. Larry Ward, Acting Public Works Director, stated that a petition had been received from Jan Howard and the Kenilworth Residents Association Board requesting that a portion of Reservoir Road be permanently closed.

The petition submitted included 131 signatures; 21 live in the general area of the portion of Reservoir Road being petitioned to be closed, one owns property adjoining the portion to be closed, and four live in the immediate vicinity of the closing. Two properties in the immediate vicinity of the closing have not signed the petition. A representative of St. Joseph's Hospital had signed the petition; however, on March 30, 1995, a letter was received in the City Clerk's Office stating that St. Joseph's Hospital had determined that it would not be in its best interest to remain as a petitioner and formally requesting that the Hospital be removed as a signatory on the petition effective immediately. St. Joseph's Hospital property adjoins the portion of the road requested to be closed.

Reservoir Road serves as a through connecting road from Biltmore Avenue via Granby Street, Buchanan Road, to Windswept Drive and Alexander Drive. This through route may also be accomplished via Forest Hill, Thurland and Sherwood Road.

The portion of Reservoir Road requested to be closed averages 12 feet in width and has an average 24-hour traffic of 347 vehicles. During the peak hours, approximately 50 vehicles utilize the road per hour. The speed limit is 35 with 10 mph advisory signs in the curve portion. A speed study has been performed upon the section of road and the recommended speed limit is 15 mph.

The petitioners petitioning the road closure all own property between the closure and Biltmore entrance, which means their access would not be affected. The owners of property above the area petitioned to be closed have not signed the petition. The closure would limit their access to Alexander Drive and Windswept. Alexander Drive provides adequate access to the Windswept Drive area as well as the Windswept Condominiums and the Wind-in-the-Oaks Condominiums. These property owners would have direct access to the downtown, north, west and east sections of Asheville via Alexander Drive. Their access to the south via Alexander Drive would be very indirect and would require approximately three times the drive distance and time to reach the same point on Biltmore Avenue that could be accessed directly from Reservoir Road. All the traffic utilizing Reservoir Road is residential with the exception of service vehicles and City vehicles accessing the White Fawn Reservoir property. All City vehicles have been asked to utilize Alexander Drive for access to White Fawn to prevent problems from occurring along Reservoir Road.

Trips along Reservoir Road consist of home to school and school to home trips, to work and return trips, shopping and return trips to and -10-

from entertainment. Traffic counts along that section of road were taken three different times. The average number of vehicles in a 24 hour period is 347 cars with 50 of those vehicles being during the a.m. peak hour and another 50 being during the p.m. peak hour.

The Public Works Department recommends denial of the petition to close that portion of Reservoir Road. The reasons for denial are that Reservoir Road is a through street that is necessary to conveniently accomplish certain trips for residents in the area; and the road provides alternate access to a number of properties in case of emergencies, such as fire or other catastrophes. The Public Works staff, however, does recommend that the speed limit along the narrow and curving sections of Reservoir Road and the entire length of Buchanan Road be reduced to 15 miles per hour and that strict enforcement of the speed limit be conducted, especially during peak hours.

Vice-Mayor Peterson stated that City Council has received a petition dated April 4, 1995, containing 112 signatures, which reads as follows: "We, the undersigned residents of Beaucatcher Mountain, respectfully request cancellation of plans to close Reservoir Road which connects Beaucatcher Mountain to Biltmore Avenue. Reservoir Road represents an important access to our residence."

When Councilwoman Sitnick asked when the road was paved, Mr. Ward responded that it was paved in 1986 or 1987 and up until that time it was a gravel road.

When asked by Councilwoman Sitnick if Mr. Ward was familiar with a letter that was written July 25, 1983, by Mr. Waddell, who was Assistant Commander of the Patrol Bureau of the Asheville Police Department, he replied that he was not.

Mr. Ward said there had not been any accidents reported to the Police

Department or calls for accidents. There have been some alleged accidents of people hitting mail boxes and pets being run over along the road.

Mr. Ward responded to Councilwoman Sitnick saying that the City's minimum width for a two-lane side road, and basically the recommended width for NC DOT standards, is a 16 foot width, 2 8-foot lanes, which is real tight but it will accommodate two-way traffic. On Reservoir Road, the average width is 16 feet, but we do have portions that are 18 feet and portions that are 10 feet.

Councilwoman Sitnick said that there is a lot of open land in that area and she didn't know who owned the land, but wondered if more development goes in on the mountain would Mr. Ward think that additional cars added to the 347 would cause a problem on that road. He replied that it would.

Councilman McClure asked if there was any way to put a three-way stop sign or speed breakers on that road to assure that the traffic slows down. Mr. Ward said that a speed study was done on the road and the top speed was 32 mph. The 95th percentile speed limit was 28 miles per hour and the majority of vehicles were actually traveling between 10 and 18 mph. Mr. Ward said that if Council chooses to reduce the speed to 15 mph, they propose not only putting up a speed limit reduction sign, but also a warning sign with a flashing light, rumble strips and they would ask the Police Department to keep a closer watch for speeders in that area. They considered looking at speed bumps but with the steepness of that road and the problems we would have in getting snow -11-

off of it that wouldn't be justified. Also, if a car hits the speed breaker it puts the car out of control for a short period of time and in that type terrain it would not be advisable.

Councilwoman Field asked how steep the section is that's proposed to be closed. Mr. Ward said they have not done a percent grade on that, but he guessed it would be about six percent.

Upon inquiry of Councilman Watts, Mr. Ward said the traffic did increase when the two condominiums were constructed.

Upon inquiry of Councilwoman Sitnick about how many fire hydrants there are in the area, Fire Chief John Rukavina said that there are two on Reservoir Road - one at the top and one at Buchanan. He responded to her question relative to water pressure by saying that it is probably characteristic for the area.

Councilwoman Sitnick said that residents in the area are concerned about a fire and if smoke or flames came across Alexander Drive, then Reservoir Road would be the logical other escape, or possibly only escape. "Personally, she said, "if I had to drive a road, good weather, bad weather, day, night, I would take Alexander Drive because it's wider and I would feel more comfortable on it. I also feel that if there was some kind of emergency that made that road impassable that I would want the comfort of knowing there was another road to get down off the mountain. Is Reservoir Road considered an important escape route, not just talking about the convenience of getting to a lower point on Biltmore Avenue, because quite frankly I drove both ways twice and it was about 4 to 4-1/2 minute difference in time. I'm talking about security and safety."

Fire Chief Rukavina responded to Councilwoman Sitnick by saying that, "If a wild land fire were to occur in that area, as many exit routes as possible would be important. Asheville has several areas, and this is one, where the dwellings meet the forest. If there is a fire under those circumstances then we would want to get people out and we would need to gain access to it. We have dual concerns. One is access in dealing with an emergency. The second is, as an agency that responds to automobile accidents, we are concerned about the safety

of a roadway. Based on what Mr. Ward said, I would have to say that we would prefer, for emergency response and access purposes, to maintain the roadway, but with the safeguards that Mr. Ward has talked about so that we limit to the greatest extent possible an accident that would cause an injury or would require our presence there. We would prefer that speed bumps not be used."

Councilwoman Sitnick asked if the fire trucks, while going up Alexander Drive, can make all the turns. Fire Chief Rukavina said not all of the fire equipment that we have can make the turns. Reservoir Road would be an alternate access and in the case of a recent fire at Windswept, it was an alternate access for us. We also like to approach from two directions in case something is blocking one direction. Our recommendation is to keep the road open.

Upon inquiry of Councilwoman Sitnick, Fire Chief Rukavina said that an average fire truck is approximately 80-84 inches wide.

A number of persons spoke in favor of closing the portion of Reservoir for several reasons, including, but not limited to: a feeling that the section seeking to be closed was morally and ethically the Howards' driveway up until six or seven years ago when the City paved it; the uncertainty that the portion requested to be closed has even -12-

been dedicated to the public use; the suggestion that since traffic needs a passageway down Biltmore Avenue, to keep Buchanan Road left open for neighbors; Reservoir Road is not safe; Reservoir Road is steep and on top is a super-huge freeway which lures people to speed and then they come into a 10-13 foot curve; people frequently speed; there are numerous roads up and down the hill and this was the one that was improved but it has the worst access; Reservoir Road cannot take any more development of the 200 acres still vacant; a complete evaluation of this road in 1983 by C.C. Waddell, who was with the Police Department at that time, evidences that from the Howard house up to Wind-in-the-Oaks was approximately a 10-foot wide gravel road and he stipulates there were a couple of places you could move over on the shoulder to pass a vehicle; in ten years Reservoir Road went from a 10-foot gravel road to 22 feet of superhighway; clearly in the minutes of 1983 and 1984 Alexander Road was built because Reservoir Road didn't exist at that time and Windswept Drive and the College Road areas were not considered adequate; unless the Hospital has dedicated the right-of-way in the last few days, there was uncertainty if the road has been dedicated; uncertainty if Reservoir Road is a City street; since Kenilworth was platted in 1909 and the roads were platted to accommodate horse-cart traffic, the City took over area as they were platted with no adjacent easements; Reservoir and Buchanan Roads cannot accommodate the types, volumes and the speeds of traffic today; it is a few minutes out of the condominium people's day for their safety and to save one of the more historic neighborhoods in the town to take Alexander Drive and not use Reservoir Road; people who abuse the road are not residents in the area; the neighborhoods should work together to resolve the problems; Buchanan Road is not safe due to speed on road; concern for public safety;

suggestion to make Reservoir Road one way up hill with a speed bump; unsafe for pedestrian traffic as well as motorists; concerns if information and data presented is accurate and fair; hedge in road actually slows down the traffic; suggestion of 3-way stop sign; and suggestion for small group of area representatives work together to resolve these concerns. The persons voicing these concerns were as follows:

Jan Kubiniec Howard, 5 Reservoir Road

Bob Brown, resident of Fairview

Ken Myrick, 1 Buchanan Road

Skye Myrick, 1 Buchanan Road

Dr. Steve Davis, President of Kenilworth Neighborhood Association and resident at 6 Chiles Avenue

Peter Loewer, 185 Lakewood Drive

Pat Skalski, resident of Kenilworth (passed out two Street Appendixes dated 6/16/94 and 7/28/94 taken from the Asheville urban Area Transportation Plan)

Mary Alice Sisk, resident whose backdoor faces Buchanan Road

Carl Nyberg, 7 Buckingham Court

Deryl Howard, 5 Reservoir Road

Jim Skalski, 20 Aurora Drive

David Craven, 80 Sherwood Road

A number of persons spoke in support of keeping Reservoir Road open for several reasons, including, but not limited to: Reservoir Road is the only direct access from condominiums to Biltmore and many people bought there largely because of the immediate access to St. Joseph's Hospital and to Mission Hospital; physicians rely on Reservoir Road as access to the hospitals to provide care to the critically ill patients 24 hours a day, rain, sleet and snow; during the winter months Alexander Drive has icy spots that only four-wheel drive vehicles can pass; students, teachers at A-B Tech, business owners and other employees need the access; in times of disaster Reservoir Road was and is one of the -13-

only routes to leave or reach Beaucatcher Mountain; when Alexander Drive was blocked by stranded cars in times of sleet, ice and snow (such as the blizzard) Reservoir Road was the only access that most people had to get off the mountain to get food; when City snow plows can't make it up Alexander Drive, Reservoir Road is the only way down to civilization; in the event of a fire or in the need of 911 services, we need that access; who will pay for the iron gates, road barricades or a turn-around for the dead-end which people are talking about if the road is closed; a dead-end road would mean more drugs because there would not be any flow-through traffic; the police would not be able to apprehend people in that area because of no flow-through traffic; the families in Wind-in-the-Oaks and Windswept View and other residents of Beaucatcher Mountain would be ill-served by the closing of this alternative access; fire and emergency medical access would be undermined if the road is closed; road should be widened to accommodate the traffic as an alternative to closing it; Reservoir Road is not a short cut, it is an access road to people who need to use that road; it is the least curvy, least narrow, least steep road that we can take to get off the mountain top; there is an additional fire hydrant in the area of Wind-in-the-Oaks which would make three fire hydrants in the area; closing Reservoir Road could lead to the area becoming a breeding ground for a lot of crime; hedges in curve should be trimmed back; majority of signatures on the petition were not from people living in the area; and closing the road is not the answer to the safety question but we need to look for other ways to make road safe. The persons voicing these concerns were as follows:

Robert Newton, 405 Windswept Drive - #603 (presented petition from 112 fellow residents of Beaucatcher Mountain)

Letter from Jacob and Eva Biber (read by Robert Newton) - Trustees for a home at 405 Windswept Drive

Sally Ware, 422 Windswept Drive

Helen Hunt, 432 Windswept Drive

Jane Sterns, 522 Windswept Drive

John McCoy, 406 Windswept Drive

Allen Watts, 456 Windswept Drive

C.B. Branson, 56 Arden Road

Karen Stevens, 200 Windswept Drive

Bill Miller, 418 Windswept Drive

James McCormick, 474 Windswept Drive

Mary Helen Huran, resident at the corner of Alexander Drive and Windswept Drive

Paul Gilsdorf, 405 Windswept Drive

Dr. John Kelly, resident at Windswept

Charlie Hensley, 545 Windswept Drive

Councilwoman Sitnick asked what the condition of Reservoir Road is when it's icy and snowy. Mr. Robert Newton responded that "usually in snow and ice all the roads are going to be bad up there - just the nature of the mountain roads - but during the blizzard, once they were able to get out of their security gate which goes out onto Reservoir Road, a four wheel drive vehicle could make it down that road quite easily because it was 21 inches of snow and hard-packed. Also there is a severe problem on Alexander Drive because during bad weather there is a natural spring that spills over right above the apartments onto the road and anytime it drops below 32 degrees you have an 18-20 foot sheet of ice and to avoid that a lot of people use Reservoir Road. When it snows people are trying to get up the mountain and their cars are left stranded along Alexander Drive. The City snow plows cannot get through because there are cars all over and there's not enough room for anything to get by. Reservoir Road does afford you the possibility of being able to get up the back way, an alternative route to that area."

-14-

Upon inquiry of Councilwoman Field about a promise made to Kenilworth, Ms. Howard said that this problem was foreseen and she had the agreements in writing.

City Clerk Burlson responded to Ms. Howard's claim by first asking Ms. Howard if what she was saying is that an agreement was reached with a previous City Council that if the Windswept Views and Wind-in-the Oaks condominiums were built Reservoir Road was not to be used because it was too steep, narrow and homes were too close to the street. Mr. Howard said that she was. City Clerk Burlson then responded that after much research it was determined that Ms. Howard's claim was not true. She explained by saying that a previous city

council, on September 13, 1983, entered into an agreement with the owners and developers of Windswept View Condominiums and with the Housing Authority regarding access to the condominiums. This agreement involved the dedication, by the Housing Authority and Alexander Investment Partnership, of a 50-foot right-of-way for Alexander Road. As a part of this agreement the city agreed that prior to the beginning of any construction of the Windswept View condominium project, it would "place signs at appropriate locations along Windswept Drive south of College Street to discourage construction vehicles from using said portion of Windswept Drive." The developers agreed to "encourage said contractors, subcontractors, material-men and workmen to use the new road from Ardmon Drive to Windswept Drive." Nothing in the agreement had anything to do with use of the road by the general public - it was only construction traffic that was being discouraged from using Windswept Drive and encouraged to use the yet-unnamed Alexander Road.

She said, and nothing in the agreement applies in any way to present-day traffic. The final provision of the agreement said, "After the completion of the 'Windswept View' condominium project and the paving of Windswept Drive and the new road, the City shall remove the signs along Windswept Drive south of College Street which discourage construction traffic from that portion of Windswept Drive."

She said there was an amendment to the agreement, dated several weeks later, which allowed the developers to proceed with grading and other preparations for the pouring of footings without the prior completion of Alexander Road. The amendment was more prohibitive than the original agreement had been regarding the use of Windswept Drive by construction traffic. The amendment said, "At no time shall said construction traffic, including that used in connection with the pouring of the footings, use the existing paved portion of Windswept Drive. Developers agree that the building permit shall cease to be valid and will be terminated upon the use of Windswept Drive for said construction traffic." So, although the amendment went beyond "encouraging" and "discouraging" and totally prohibited the use of Windswept Drive by construction traffic, it still had nothing to do with any other traffic and it still had no effect after construction was finished.

She said this agreement was about Windswept Drive, not Reservoir Road, but there is no other agreement that even comes this close to having anything to do with restricting traffic on Reservoir Road.

In response to a question about hedges in the curve on Reservoir Road, Mr. Ward responded by saying that those hedges are not within the City's right-of-way and that they belong to Ms. Howard.

Councilwoman Sitnick asked if Reservoir Road is a City dedicated road. Mr. Ward responded that it was and has been since at least 1964.

-15-

By use of a map, Mr. Ward then responded to Councilwoman Sitnick about Ms. Howard's allegations that when the City paved Reservoir Road, it paved part of her driveway which is now the section she is asking to be closed.

Upon inquiry of Councilman Swicegood, Mr. Ward said the traffic counts they took were taken in September, December and a few weeks ago. The counts taken a few weeks ago were about 250, about 100 less than counts taken in December and September.

Mr. Ward then responded to the information presented by Ms. Skalski. He explained that when the State and the City's transportation office does the

planning, they have roads that are connecting dots and they feed all this data from the computer. The computer actually assigns those trips based on the attractions for trips and the generation of trips. Somehow there was a dot at the intersection of Beaucatcher Road and College Street because that was part of the Thoroughfare Plan. There was also a dot at the intersection of Biltmore Avenue and Victoria Road and basically, the computer, by error, connected those two dots and assigned trips between those two dots which ended up being Windswept Drive and Reservoir Road. Councilwoman Field also stated that at the meeting she attended, Ron Fuller, City's Transportation Planner, explained that this was an error and that it would be corrected.

Mr. Jay Fields, 71 Sherwood, urged Council to make a separate study of Buchanan Road addressing its problems.

Vice-Mayor Peterson closed the public hearing at 6:40 p.m.

Councilman Swicegood moved to deny the closing of a portion of Reservoir Road thus leaving Reservoir Road open. This motion was seconded by Councilman Watts.

Councilwoman Sitnick said that this is one of those times it's real hard to be a member of Council. This is one of those times you realize the huge gap between having an opinion and making a decision. She said that she recognized the validity on both sides of this issue. She will make a motion on the ordinance addressing the public safety concerns which both sides have brought up. As long as she lived in Asheville she has traveled Alexander Drive a number of times, but has only traveled on Reservoir Road a limited number of times. Until this came to Council's attention she was not aware of all of the concerns and her own fears for that road. "The only way that I can vote to not close the road," she said, "is for me to have some assurances that there will be some other steps taken regarding the public safety issues that have been brought up today. Primarily the speed, the enforcement and the rumble strips. I would also hope that the whole road safety issue is addressed, i.e., the width of the road, the right-of-way, the passage of vehicles when two meet, the issue about Buchanan, and the fact that people feel unsafe in their own backyards. So I would have to know that all of the neighbors will work together to address the safety issues that affect all of the neighbors. And that Public Works would have the immediate ability to look into the safety concerns that have been articulately raised today. That's what I would have to be assured of."

Councilwoman Field agreed with Councilwoman Sitnick that this is a difficult issue. She would like to see, if not the Transportation Advisory Group, then some group, including representatives of the neighborhoods, work together to try and resolve some of the concerns raised today. She also would like to have some assurances that some of the problems will be resolved. -16-

Councilman McClure asked Mr. Ward to look again at the three-way stop sign.

Councilwoman Sitnick noted that most of the concerns raised that have to do with safety were raised both by those who were in favor of closing and those who were in favor of keeping the road open. Aside from the issues of convenience and time, which are also important, both groups were raising the same safety issues. She hoped there would not be bad feelings in the neighborhood after today.

The motion made by Councilman Swicegood and seconded by Councilman Watts to deny the closing of a portion of Reservoir Road, thus leaving Reservoir Road open, was carried unanimously.

Vice-Mayor Peterson said that members of Council have been previously furnished

with a copy of the ordinance reducing the speed limit on Reservoir Road from the entrance to the City's Reservoir to Sherwood Road and the entire length of Buchanan Road from 35 miles per hour to 15 miles per hour and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2199. This motion was seconded by Councilman Swicegood.

On a roll call vote of 6-0, Ordinance No. 2199 passed on its first and final reading.

Councilwoman Sitnick moved that the Public Works Department look into the safety concerns that have been raised today and come back to City Council as soon as possible with their report, recommendations and evaluation - especially pertaining to the section of Reservoir Road that narrows and especially pertaining to Buchanan Road - with the idea of the rumble strips, three-way stop sign and anything else they deem appropriate and meaningful in helping these safety concerns. This motion was seconded by Councilwoman Field and carried unanimously.

ORDINANCE BOOK NO. 15 - PAGE 51

B. PUBLIC HEARING 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

RESOLUTION NO. 95-50 - RESOLUTION APPROVING REQUESTS OF TCI CABLEVISION OF ASHEVILLE TO APPROVE AN INFLATION ADJUSTMENT TO THE RATE FOR THE BASIC SERVICE TIER AND AN ANNUAL ADJUSTMENT TO THE RATES FOR EQUIPMENT, INSTALLATION AND OTHER SERVICES USED FOR THE BASIC SERVICE TIER

Vice-Mayor Peterson opened the public hearing at 7:07 p.m.

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

Ms. Patsy Meldrum, Assistant City Attorney, said that TCI Cablevision of Asheville is seeking approval of its annual adjustment to update equipment and installation charges for the basic service tier and approval of an inflation adjustment to the basic service tier rates. City staff has reviewed regulations of the Federal Communications Commission ("FCC") and has found that the requests of TCI Cablevision of Asheville are within the rates permitted by the FCC for the basic service tier and equipment, installation and other services used for the basic service tier. -17-

Mr. Dan Martin, General Manager of TCI Cablevision of Asheville, responded to questions by Councilwoman Sitnick relative to Asheville High televising City Council meetings and a crawl on a local channel. He said that he has been talking with a representative from Asheville City Schools concerning the amount of money per broadcast and he will continue to renew those discussions. He said that they do have the ability now to put some information on the crawl and we will need to sit down and decide on what type of information will need to be on it. He said that he is more than willing to sit down and work out some details.

Councilman McClure said that Asheville High School football games run approximately \$1,000-\$1,200 per broadcast.

Vice-Mayor Peterson closed the public hearing at 7:16 p.m.

Vice-Mayor Peterson said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman McClure moved for the adoption of Resolution No. 95-50. This motion was seconded by Councilman Watts and carried on a 4-2 vote with Vice-Mayor Peterson and Councilwoman Sitnick voting "no".

RESOLUTION BOOK NO. 22 - PAGE 236

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

A. ORDINANCE NO. 2200 - BUDGET AMENDMENT RELATIVE TO THREE CANINE UNITS

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$60,255, is to fund acquisition, training and operating costs for three new canine units as previously authorized by City Council.

Vice-Mayor Peterson said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Watts moved for the adoption of Ordinance No. 2200. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 6-0, Ordinance No. 2200 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 52

B. ORDINANCE NO. 2201 - BUDGET AMENDMENT RELATIVE TO THE WEST ASHEVILLE RESOURCE CENTER

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of up to \$5,000, is to provide funding for heating and air conditioning replacement at the West Asheville Resource Center.

Vice-Mayor Peterson said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman McClure moved for the adoption of Ordinance No. 2201. This motion was seconded by Councilwoman Field. -18-

On a roll call vote of 6-0, Ordinance No. 2201 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 54

C. ORDINANCE NO. 2202 - BUDGET AMENDMENT RELATIVE TO PAY PLAN ALLOCATIONS TO DEPARTMENTS

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$292,398, is to transfer funds from nondepartmental to various departments to provide funding for pay plan costs.

Vice-Mayor Peterson said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Swicegood moved for the adoption of Ordinance No. 2202. This motion was seconded by Councilwoman Field.

On a roll call vote of 6-0, Ordinance No. 2202 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 56

D. ORDINANCE NO. 2203 - BUDGET AMENDMENT RELATIVE TO ANNEXATION FUNDING

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$599,681, is to provide funding for personnel and operating costs incurred as a result of annexations effective since June 30, 1994.

Vice-Mayor Peterson said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2203. This motion was seconded by Councilman Watts.

On a roll call vote of 6-0, Ordinance No. 2203 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 62

E. ORDINANCE NO. 2204 - BUDGET AMENDMENT RELATIVE TO THE NORTH LOUISIANA AVENUE SEWER PROJECT

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$102,000, is to establish project funding for the North Louisiana Avenue sewer line. Fund balance is available for this project.

Vice-Mayor Peterson said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Swicegood moved for the adoption of Ordinance No. 2204. This motion was seconded by Councilwoman Field.

On a roll call vote of 6-0, Ordinance No. 2204 passed on its first and final reading. -19-

ORDINANCE BOOK NO. 15 - PAGE 66

F. ORDINANCE NO. 2205 - BUDGET AMENDMENT RELATIVE TO SERVICES ASSOCIATED WITH THE HOMELESS GRANT APPLICATION

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of up to \$3,000, is to provide funding for services associated with filing an Aide to Homeless grant application.

Vice-Mayor Peterson said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman McClure moved for the adoption of Ordinance No. 2205. This motion was seconded by Councilman Swicegood.

On a roll call vote of 6-0, Ordinance No. 2205 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 68

V. CONSENT:

As a result of prior discussion and voting relative to the homeless grant application, item F (resolution authorizing the Mayor to sign a homeless grant application) was removed from the agenda.

A. APPROVAL OF THE MINUTES OF THE WORKSESSION AND REGULAR MEETING HELD ON MARCH 21, 1995, AND THE WORKSESSION HELD ON MARCH 28, 1995

B. RESOLUTION NO. 95-51 - RESOLUTION AUTHORIZING THE HOUSING AUTHORITY TO ACCEPT A BID TO PURCHASE DISPOSAL PARCELS 78 AND 80 OF THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROGRAM AND TO APPROVE THE ADJACENT OWNER INCENTIVE PLAN

Summary: The Housing Authority, acting as Redevelopment Commission, is seeking approval to sell property in the East End/Valley Street area to adjacent property owner Laurie Bennett. Disposal Parcels 78 and 80 are not independently buildable due to topography and utility easements.

Also, a new Plan called the Adjacent Owner Incentive Plan has been designed by the Housing Authority to promote the sale of non-buildable lots to adjacent owners. The Plan is a win/win situation. It provides an affordable means for lower income homeowners to purchase adjacent non-buildable lots to combine with the property they own and place the property back on the tax rolls and away from public responsibility for liability and maintenance.

RESOLUTION BOOK NO. 22 - PAGE 237

C. RESOLUTION NO. 95-52 - RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR AND ENTER INTO AN AGREEMENT WITH THE N.C. DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE NUTRITIONAL SERVICE TO THE SUMMER DAY CAMP AND SUMMER PLAYGROUND PROGRAM

Summary: The Parks & Recreation Department is seeking authorization for the City Manager to apply for and enter into an agreement with the N.C. Department of Public Instruction for the -20-

provision of food services for the participants of the Summer Day Camp and Summer Playground Programs. This grant proposal will be approximately \$46,000 of reimbursable funds.

RESOLUTION BOOK NO. 22 - PAGE 238

D. RESOLUTION NO. 95-53 - RESOLUTION TO AWARD BID FOR DIGITAL RECORDING SYSTEM

Summary: Recommend award be made to low bidder, Lanier Worldwide, Asheville, N.C., for a 48 channel Lanier Model LDL-848 Digital Recording System with no trade-in allowance for a total bid of \$46,911. A complete copy of the bid summary is attached hereto as Exhibit "A".

RESOLUTION BOOK NO. 22 - PAGE 239

E. RESOLUTION NO. 95-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WILLIAM B. FARRIS FOR CONSULTING SERVICES RELATED TO A GRANT FOR FUNDS TO SUPPORT HOMELESS PROGRAMS

Summary: As directed by the City Council, this agreement will provide for retaining the services of Bill Farris for the purpose of making application for funds to support homeless programs through the "Super NOFA" program.

RESOLUTION BOOK NO. 22 - PAGE 241

F. RESOLUTION TO AUTHORIZE SUBMISSION OF A HOMELESS GRANTS APPLICATION

This item was removed from the Consent Agenda.

G. RESOLUTION NO. 95-55 - RESOLUTION ADOPTING A FESTIVAL AND SPECIAL EVENT POLICY FOR THE CITY OF ASHEVILLE

Summary: In an effort to better define and to establish continuity in providing services to over 20 festivals and special events annually, this policy has been developed.

RESOLUTION BOOK NO. 22 - PAGE 242

H. RESOLUTION NO. 95-56 - RESOLUTION DESIGNATING THE HUNTER BANKS SIGN LOCATED AT 29 MONTFORD AVENUE AS A LANDMARK SIGN

Summary: The owners of 29 Montford Avenue are requesting landmark designation for their Hunter Banks sign.

RESOLUTION BOOK NO. 22 - PAGE 243

I. MOTION SETTING A PUBLIC HEARING FOR APRIL 18, 1995, RELATIVE TO AN AMENDMENT TO THE FLOODPLAIN ORDINANCE

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

VI. OTHER BUSINESS:

A. REQUEST BY DAVID JOHNSON, PRESIDENT OF CURBSIDE MANAGEMENT

Mr. David Johnson, President of Curbside Management, asked that City Council consider making a commitment that would ensure that he -21-

would be able to continue his recycling business as he is currently conducting it for at least more ten more years so that he would be comfortable in making the additional investment that he needs to make in order to keep his business operating.

B. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville during the week of March 16-22, 1995: Carl Fender (Parks & Recreation), Carolyn Hembree (Sanitation) and Ruth Ledford (Water).

He also said the following claims were received during the week of March 23-29, 1995: Janet Kauffman (Sanitation), Steve Becker (Water) and Roger Radcliff (Sanitation).

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

C. LAWSUIT

City Attorney Slawter said the following lawsuit was received by the City on March 23, 1995, in which the parties are the County of Buncombe v. Clara Haney and City of Asheville, et al., and the nature of the suit is tax foreclosure.

He said that this lawsuit has been referred to the appropriate legal counsel for action.

E. CLOSED SESSION

At 7:40 p.m., Councilwoman Field moved to go into closed session to discuss a legal issue which requires consulting with the City Attorney in order to preserve the attorney-client privilege. This motion was seconded by Councilman Swicegood and carried unanimously.

At 8:00 p.m. Councilwoman Field moved to come out of closed session. This motion was seconded by Councilman Swicegood and carried unanimously.

VII. ADJOURNMENT:

Vice-Mayor Peterson adjourned the meeting at ____ p.m.

CITY CLERK MAYOR
