

Tuesday - January 9, 1996 - 5:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Hay gave the invocation.

I. PROCLAMATIONS:

A. UNITED WAY REPORT

Mr. Glenn Wilcox thanked the City Council, City Manager, City Coordinators and City employees for raising \$54,582 in the 1995 United Way Campaign. City Manager Westbrook also commended the City Coordinators, Wanda Letterman and Tammy Hubert, and all City employees for their contributions.

B. PROCLAMATION PROCLAIMING JANUARY 9-16, 1996, AS "DR. MARTIN LUTHER KING JR. WEEK" IN THE CITY OF ASHEVILLE

Mayor Martin read the proclamation proclaiming January 9-16, 1996, as "Dr. Martin Luther King Jr. Week" in the City of Asheville. He presented the proclamation to Ms. Oralene Simmons and Ms. Willie Mae Brown who briefed the Council on activities that would be taking place during the week.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A SMALL AREA PLAN FOR WEST END/CLINGMAN AVENUE

Mayor Martin opened the public hearing at 5:09 p.m.

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

Mr. Paul Benson, Urban Planner, said that in October of 1994 the City Council directed the staff to prepare a neighborhood plan for the "Chicken Hill" area. Since that time the staff, with the guidance of a ten person steering committee, has conducted a planning process for that area. As a result, a draft plan has been prepared and endorsed by the steering committee. If this plan is adopted, it would be an amendment to the City's comprehensive 2010 Plan.

During the planning process, a residents survey and six community meetings were held to obtain public input. The Planning & Zoning Commission held a public hearing on the plan on October 11, 1995.

The steering committee, has endorsed the draft plan. The Planning staff recommended adoption. The Planning & Zoning Commission, by a vote of 4 in favor, 2 opposed and 1 abstention, voted to recommend that the plan not be adopted.

Mr. Benson then proceeded to outline each of the six focus areas and the goals associated with each area: Those focus areas are: housing, land use, utilities, traffic and pedestrian circulation, parks and recreation, and neighborhood enhancement. He then briefly discussed the implementation timetable.

At the worksession held on December 19, 1995, Councilman Skalski suggested that language in the plan be included that encouraged home ownership and the maintenance of those homes. For Council's consideration, Mr. Benson suggested the following language in Recommendation #4 of Goal #3 to read: "Ensure that any new programs encourage owner-occupancy and do not lead to displacement of existing residents or reduction in number of affordable housing units within the study area."

As a result of a request from Mr. Jerry Sternberg, Mr. Benson suggested the following language be inserted between the first and second paragraphs of the Proposed Land Use section on page 22: "The six land use categories shown on the Future Land Use Map are not intended to represent specific zoning districts, but rather to indicate generalized types of land uses, and are defined as follows: Mixed Use - a wide range of development ranging from multi-family residential to heavy industrial; Commercial/Industrial - a wide range of commercial uses, as well as lower impact industrial uses; Commercial Services - a wide range of commercial activities; General Commercial - a more limited range of commercial uses focusing on retail sales and services; Parks/Recreation/ Institutional - as explained later, intended to promote the future use of the former Queen Carson School property as a community focal point; Residential - intended to limit use to residential and to preserve the predominantly single-family, higher density character of the neighborhood. The following section expands on the corresponding land development patterns planned for specific portions of the study area."

Upon inquiry of Councilman Cloninger about the implementation of the Plan, Mr. Benson said that the Planning Department will be primarily responsible for pursuing several items in the plan and they will bring those to Council's attention when appropriate; however, the neighborhood has the real responsibility for implementation.

Jerry Sternberg briefed the Council on the history of the riverfront section as it's involved in this study. He then urged Council to delete the land starting at the Smokey Park Bridge extending south all the way to Lyman Street and bordered on the east by Roberts Street from the Plan. He feels that there are already terrible obstacles to overcome in this area, i.e., FEMA laws, floodplain laws, and the highway and railroad running through the property. His reasoning was that if the area remains in the Plan, it would just be another layer of bureaucracy for a developer to overcome. The area is already has it's own special district. He wanted to leave that area to be developed under the special river district ordinance. If Council decides to leave the area in, he would then ask for the language in the plan be amended as read by Mr. Benson above. Other than the suggested deletion above, he was supportive of the Plan.

A property owner on Rector Street voiced concerns about when three dilapidated houses on Rector Street would be torn down. City Manager Westbrook stated that the City does have a computerized list of which stage the dilapidated houses are in and he would be happy to share that information with her.

Upon inquiry of Councilman Cloninger, Mr. Benson said since a goal in the Plan is to tear down vacant and dilapidated houses, if Council

-3-

adopts this plan, it will send a message to City staff that these need to be

addressed.

Mr. Clarence Birmingham, property owner in the area, urged Council to rezone his area from residential to commercial, as promised by former planner Carol Alberice. Mayor Martin said that this area would be looked at in approximately one year when the UDO mapping will take place.

A property owner on Clingman Avenue preferred not to change the area zoned heavy industrial.

Ms. Byron Ballard, resident in the area, spoke in support of the Plan and hoped Council would realize that this area is a real neighborhood of people that have a stake in the community.

Rev. W. H. Hutchison stated that he was interested in purchasing property in the Clingman Avenue area and asked if a church could be constructed. Mr. Benson responded that a church could be constructed since churches are a permitted use in residential zones. Rev. Hutchison then asked if some two of his lots could be rezoned from residential to commercial. Mayor Martin responded that that issue would be considered in the UDO mapping process.

Mr. Brian McCarthey, business owner on the river, property owner on Clingman Avenue, and Steering Committee member, strongly supported the Plan.

When Councilman Hay asked Mr. McCarthey (because he was a member on the Steering Committee) how he felt about deleting the portion Mr. Sternberg has requested, Mr. McCarthey felt both areas needed to be developed.

Mr. Bell, property owner in the area, supported the Plan but urged Council to make sure that African Americans are part of that Plan.

Ms. Gloria Free, representing people who live on Clingman Avenue who were unable to come to the meeting today due to the weather conditions, urged Council to continue the public hearing until the next formal meeting in order for those people to voice their opinions on the Plan. She said that at the next meeting, the residents in the area will provide their input and share their ideas with the Council. She appreciated the creativity and research that has gone into the Plan, but felt it lacked the input of the residents in the area.

Councilman Worley moved to continue the public hearing until January 23, 1996, without further advertisement. This motion was seconded by Councilman Skalski and carried unanimously.

B. PUBLIC HEARING RELATIVE TO REZONING TWO LOTS AT 401 OLD COUNTY HOME ROAD

Mayor Martin said that this public hearing was originally scheduled for November 28, 1995. However, the meeting of November 28, 1995, had to be canceled, due to lack of a quorum, and on November 21, 1995, a resolution of intent to set a new public hearing date on this matter was adopted. On December 5, 1995, the petitioner requested that the public hearing be rescheduled until January 9, 1996.

Mayor Martin opened the public hearing at 5:56 p.m.

-4-

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

Mr. Carl Ownbey, Urban Planner, said that this ordinance seeks to rezone lots 9629-10-26-5131 and 9629-10-26-7219 from R-3 Medium Density Residential to CS Commercial Service. The subject property is approximately 7.25 acres. The lots are located on Old County Home Road just off its intersection with New Leicester Highway. The two lots have three residential structures. The 2010 Plan recommends that this area be medium density residential. The subject property is surrounded on the north and east by residential, on the south by commercial, and the west is out of our jurisdiction.

The Planning staff reviewed the rezoning request and recommended denial of the rezoning of both lots to CS Commercial Service. At the Planning & Zoning Commission's meeting on November 1, 1995, the Commission voted 4-3 to recommend approval of the rezoning of both lots to CS Commercial Service.

Mr. Ownbey said that a valid protest petition has been received by the City thus invoking the 3/4 vote requirement of the Council.

Jones Byrd, representing the petitioner, Ms. Nettie Briggs, urged Council to rezone the 7.25 acres (which has been in her family for more than 70 years) to Commercial Service. He explained that Ms. Briggs' is 71 years old, in delicate health and is unable to maintain the property by herself. She has had her property on the market since 1993 with no offers (original listed price was \$350,000). She then lowered her price to \$259,000 and still has not received any offers. He said that with the recent change in the area surrounding her property into a commercial interchange and with the recent improvements made to Old County Home Road, no one is interested in buying the property with its current residential zoning. He said that with the addition of the Food Lion shopping center, her property is now bounded on three sides by businesses. There are numerous other businesses in the area and even though she is surrounded by commercial, she is not permitted to use or sell her property as commercial. He stressed that this is no longer a neighborhood residential area. He then addressed the specific items in the protest petition noting that one of the people who signed the protest petition is apparently in the family of the people that are running the commercial business beside Ms. Briggs. He presented a petition signed by 33 people that supported the rezoning to commercial. He once again stressed that when the N.C. Dept. of Transportation widened Leicester Highway and changed the roadway at the intersection by putting in turn lanes and a traffic signal, it changed the area into a commercial neighborhood. He reviewed an aerial photograph showing the location of Ms. Briggs' property and the immediately surrounding businesses and then he used photographs to show Ms. Briggs' property in relation to the immediately surrounding businesses. Affidavits from Nettie Briggs, Kenneth E. Anders, Homer Clontz and Reeves Suttles supporting the rezoning were presented to Council, along with a copy of a map from the 2010 Plan which shows that if the Briggs' property is in medium density residential, then so was the Food Lion property.

Upon inquiry of Vice-Mayor Field, City Attorney Slawter explained the protest petition formula noting that it's clear that the 20% requirement is met.

Mr. Robert Morgan, real estate broker, explained the circumstances Ms. Briggs' has gone through to try and sell her property as it is zoned

-5-

residential. His opinion was that if the property is not rezoned to commercial, Ms. Briggs will have to sell it at a very low price, perhaps in the \$80,000 range.

When Councilman Hay asked if any multi-family development was considered on the property, Mr. Morgan responded that developers felt it would cost too much to

develop.

Mr. Ken Anders felt it would be a benefit to Ms. Briggs for Council to rezoning the two lots to commercial since the whole community has changed to a super highway.

Ms. Nettie Briggs, petitioner, urged Council to rezone her property commercial.

Mr. Rick Wynne, owner of a two acre tract adjoining Ms. Briggs property, urged Council to deny the rezoning because it will cause commercial encroachment into the residential neighborhood on Old County Home Road, the property has no road frontage on Leicester Highway (noting that there is no shortage of commercial property on Leicester Highway), and creek drainage problems that occurred during the development of the Food Lion property would be intensified with further commercial development. He reminded Council of their commitment to the voters of being neighborhood friendly and hoped the Council would deny this rezoning request. He felt that the petition presented by Mr. Byrd that contained 33 signatures supporting the rezoning was misleading because there are no requirements on who signs a petition; however, the protest petition (which contains four signatures) must comply with strict criteria.

Mr. Dennis Wynne, owner of a two acres behind the Briggs' property, was very much concerned that if this property is rezoned commercial, what's from keeping the rest of the properties going down Old County Home Road from being rezoned commercial. He urged Council to deny the rezoning request.

Mr. Alan Justice, resident on property behind Ms. Briggs, felt that the Erwin community didn't need any more businesses. He also urged Council to remember their commitment to be neighborhood friendly. He stated that they do not want their neighborhood turned into commercial.

Vice-Mayor Field stated that there should be some transitional zoning to satisfy both issues. Ms. Julia Cogburn, Planning & Development Director, said that in the UDO process, there have been discussions about areas just like this. Different avenues, like a transition district, were discussed. More recent discussions have been about having overlays that were actually devised as appropriate for particular areas. Those overlays would be devised through public hearings and in working with a particular area involved as to what uses would work there and what uses would be compatible with what's surrounding that area. There are a couple of different solutions, however, we don't have those tools right now.

Ms. Cogburn said that the Planning staff looked at this request long and hard at this request. What convinced them to recommend denial was basically, you are turning a corner and introducing commercial on down Old County Home Road, which is a road to schools, which is residential in nature and also the terrain differential between where the Food Lion is and where that property sits to us was convincing in this particular request.

-6-

Councilman Worley clearly sees how it's very difficult to sell this property as residential when it is next to the Food Lion. He also sees that if the property is rezoned to commercial and commercial development takes place, then you create the same situation on the next lot down Old County Home Road. There does not seem to be any tools that would allow some sort of compromise where a significant buffer could be created, perhaps part of the property commercial and part of it buffered very significantly - more so than our buffering requirements allow us to do now. That would create a much better transition area from a commercial area to a neighborhood area. If perhaps that kind of

buffering had taken place when the Food Lion was built, we wouldn't be facing this problem today with this piece of property.

Vice-Mayor Field said that this Council really meant what they said about being neighborhood friendly, but you can look at this piece of property and see how it would be very difficult to put anything residential in there.

Councilman Skalski stated there were three basic issues raised. One is the sheer volume of the Food Lion development which has affected the neighborhood greatly. If you look at it from sheer volume and you increase it by 30-40%, then it may be more impact on that neighborhood than it can physically take and it may cause the rest of the property owners in there to lose more percentage-wise than you would gain by rezoning the property commercial. The second issue is that maybe down the line there will be a transitional zone application that could be applied to this of property since it is currently being discussed with the UDO. The third issue is that if we do rezone the property commercial, it doesn't even really front Leicester Highway at all. He felt he needed to look at the sheer volume with respect to the neighborhood.

Ms. Cogburn responded to Councilman Skalski when he questioned if the Food Lion property was always commercial and how the Food Lion was allowed to be built next to the residential zone. She said that the development was probably underway when the extraterritorial jurisdiction zoning was taking place and typically when they are zoning those areas, they try to create as few non-conformities as possible.

Councilman Skalski said that he had received a phone call that other interested persons would like to have an opportunity to speak at this public hearing but were unable to attend due to the weather. He suggested the public hearing be postponed in order to allow those people an opportunity to be heard.

Vice-Mayor Field moved to continue this public hearing until January 23, 1996, without further advertisement, in order to give the other interested persons an opportunity to speak and also to give the Planning staff an opportunity to look at the uniqueness of this area and perhaps bring Council a different solution to the problem. This motion was seconded by Councilman Worley and carried on a 5-2 vote, with Councilmen Cloninger and Skalski voting "no".

At this time, 7:05 p.m., Mayor Martin announced a ten minute break.

C. PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST TO REDUCE THE RIGHT-OF-WAY WIDTH REQUIREMENT OF THE SUBDIVISION REGULATIONS FROM 50 FEET TO 45 FEET FOR THE BLUEBIRD KNOLL SUBDIVISION

-7-

Mayor Martin opened the public hearing at 7:12 p.m.

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

Mr. Gerald Green, Senior Planner, said that Ken Lawson, developer of Bluebird Knoll Subdivision, is requesting approval of a variance to permit a street right-of-way width of 45 feet rather than 50 feet as required by the City of Asheville Subdivision regulations.

Bluebird Knoll is proposed as a nine lot subdivision on 8.78 acres to be located off Eliada Home Road. The proposed subdivision is located outside the City limits in the area of extraterritorial jurisdiction. Individual wells and septic systems will serve the lots. As part of the subdivision's development, a

new street will be constructed. Lawson Lane will be approximately 820 feet in length and will have a maximum grade of 11.6%. The street will be constructed to NC Dept. of Transportation standards and will be dedicated to the State for maintenance as a public street. The developer is requesting a variance to permit the street to have right-of-way width of 45 feet rather than 50 feet as required by the City of Asheville Subdivision Regulations. The developer has presented the following reasons for requesting the variance: (1) the 45 foot right-of-way width complies with NC Dept. of Transportation standards; and (2) the required recharge area for the septic systems come to the edge of the proposed 45 foot right-of-way.

The Planning & Zoning Commission reviewed the preliminary plat on December 6, 1995, and unanimously recommended approval of the variance request.

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

Vice-Mayor Field moved to approve the variance request of Bluebird Knoll Subdivision to reduce the right-of-way width requirement of the subdivision regulations from 50 feet to 45 feet. This motion was seconded by Councilman Skalski and carried unanimously.

D. PUBLIC HEARING REGARDING A ZONING VESTED RIGHT FOR COUNTRY CLUB CONDOMINIUMS

Mayor Martin opened the public hearing at 7:17 p.m.

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

Mr. Gerald Green, Senior Planner, said that County Club Condominiums will be a 28 unit condominium development located on a 1.78 acre site on Dover Road.

The development will be located at the corner of Dover Street and Lee Street and will consist of two buildings, each with 14 units. The property will be developed in two phases. The building on the west side of the site will be constructed initially and the other building will be built at a later time. The developers are seeking a zoning vested right for the second phase of development. While recognizing that it is not the developer's responsibility, the Commission expressed concern regarding the condition of Dover Street particularly at its intersection with Beaverdam Road. A resolution from the Commission concerning Dover Street has been sent to City Council.

-8-

At their December 6, 1995, meeting, the Commission voted 5-1 to recommend approval of this group development. The Planning Department staff recommended approval with no conditions.

When Councilman Skalski questioned what the concern of the Commission member was who voted against the approval, Mr. Green felt that they were concerned over the Dover Street and Beaverdam Road intersection from a safety standpoint.

Upon inquiry of Councilman Cloninger, Mr. Green said that if the developer makes any changes to this plan, the plan would have to come back to the City Council for approval.

Councilman Hay was concerned that the development has been approved and now Council must find the money to make the improvements at this intersection. He hoped that in the future these issues would be looked at before approval is given.

Mayor Martin closed the public hearing at 7:20 p.m.

Councilman Worley moved to approve the site plan and grant a zoning vested right for Country Club Condominiums, to be located at the corner of Dover Street and Lee Street. The granting of a zoning vested right will extend the effective approval of the project from 1 year to 2 years. This motion was seconded by Councilman Cloninger and carried unanimously.

E. PUBLIC HEARING RELATIVE TO AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE REGARDING MULTI-TENANT, MARQUEE, ANIMATED, AND ELECTRONIC SIGNS

ORDINANCE NO. 2254 - AN ORDINANCE AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE REGARDING MULTI-TENANT, MARQUEE, ANIMATED, AND ELECTRONIC SIGNS

Mayor Martin opened the public hearing at 7:21 p.m.

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

Ms. Julia Cogburn, Planning & Development Director, said that several months ago City Council requested that staff work with the Board of Directors at Pack Place on signage issues/proposals. As a result of discussions with the Pack Place Committee dealing with this issue, several wording amendments to the City's sign regulations have been proposed. These amendments, and the reasoning behind each proposal, are as follows:

(1) Eliminate the setback requirement for multi-tenant freestanding signage in the Central Business District (CBD). Current regulations require a 15-foot setback in the CBD for these signs.

(2) Expand the allowance of an additional marquee sign in multi-tenant developments. Ordinance provisions currently allow additional marquee signs only for movie theaters, yet, the definition of marquee signage indicates that they are allowed at theaters, (generally) auditoriums, fairgrounds and museums as well. This amendment would expand the allowance of an additional marquee sign in multi-tenant developments to those other uses and make these sections less contradictory. Marquee signage, under this amendment, would not, however, be allowed in residential districts.

-9-

(3) Define electronic message boards and permit their usage on marquee signs. Electronic message boards are not currently permitted in our ordinance. This amendment further clarifies that these message boards are not prohibited as animated signs.

Planning staff recommends and the Planning & Zoning Commission unanimously recommended, at their December meeting, that these proposed sign ordinance wording amendments be adopted.

Ms. Cogburn answered questions from Councilman Cloninger as they related to electronic message boards.

Vice-Mayor Field spoke in support of these amendments.

Mayor Martin closed the public hearing at 7:29 p.m.

Mayor Martin said that members of Council have previously received a copy of

the ordinance and it would not be read.

Vice-Mayor Field moved for the adoption of Ordinance No. 2254. This motion was seconded by Councilman Hay.

On a roll call vote of 7-0, Ordinance No. 2254 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 259

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 19, 1995, AND THE WORKSESSION HELD ON JANUARY 2, 1996

B. RESOLUTION NO. 96-1 - RESOLUTION AUTHORIZING THE MAYOR TO CONVEY DISPOSAL PARCEL 118 (LOT ON RIDGE STREET) OF THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT AREA TO ZANETA AND MARY REDFERN

Summary: Disposal Parcel 118 is a residential lot on Ridge Street comprising of 5,500 square feet. The bid from Zaneta and Mary Redfern for Disposal Parcel 118 includes the proposal to build a home containing 1,296 square feet, four bedrooms and two baths for their personal residence at an anticipated cost of \$50,300. The Redferns have applied for the Incentive Housing Program (\$1 lot) subsidy.

The bid of Zaneta and Mary Redfern in the amount of \$2,500 for the purchase of Disposal Parcel 118 in the East End/Valley Street Community Improvement Area is not less than the established minimum price of \$2,500.

On December 8, 1995, an advertisement ran in the paper for upset bids and no response was received. Therefore, the offer to purchase from Zaneta and Mary Redfern in the amount of \$2,500 was not upset and the sale to the Redferns should be approved.

RESOLUTION BOOK NO. 23 - PAGE 80

-10-

C. RESOLUTION NO. 96-2 - RESOLUTION APPROVING THE VACATING OF AN UNUSED NC DEPT. OF TRANSPORTATION HILL STREET RIGHT-OF-WAY

Summary: Approximately one year ago, the Hill Street Baptist Church added an addition to the existing church located on Hill Street. During examination of the title for the new addition, it was discovered that a small portion of property that abuts the new addition is still under the ownership of the N.C. Dept. of Transportation ("NC DOT"). NC DOT acquired said property for right-of-way purposes to widen Hill Street when Interstate 240 was constructed. After construction of I-240 and finalization of the repair work on Hill Street, that portion of the property was left in the ownership of NC DOT. The Hill Street Baptist Church asked NC DOT to abandon/vacate said unused right-of-way. NC DOT stated that they had no opposition to the request as long as they received some acknowledgment or approval from the City since Hill Street is a City-maintained Street. City staff has reviewed the request made by Hill Street Baptist Church. As a result, staff has no opposition to NC DOT abandoning/vacating said right-of-way since the thoroughfare plan does not identify Hill Street as either a

major or minor thoroughfare. This resolution provides the City's approval of NC DOT vacating said right-of-way as long as NC DOT reserves a five-foot easement for right-of-way purposes starting at the edge of the existing sidewalk and running the length of the property.

RESOLUTION BOOK NO. 23 - PAGE 81

D. RESOLUTION NO. 96-3 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF A BARN OWNED BY THE CITY OF ASHEVILLE

Summary: The City owns 327 acres of land in the Mills River area on which the Water Resources Department plans to construct a water treatment plant. The barn is of no use to the City and unless sold for salvage it will be destroyed during construction.

RESOLUTION BOOK NO. 23 - PAGE 83

E. RESOLUTION NO. 96-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE EXISTING ENG/6A MUNICIPAL BUILDING FEASIBILITY STUDY CONTRACT TO OBTAIN ADDITIONAL STUDIES TO DETERMINE FEASIBILITY OF PHASED RENOVATIONS TO THE MUNICIPAL BUILDING TO HOUSE POLICE AND FIRE ADMINISTRATION PERSONNEL AND THEIR PROJECTED GROWTH THROUGH THE YEAR 2010

Summary: Due to concerns relating to the Municipal Building, improvement costs have been compiled to make a decision in regard to the direction that needs to be taken concerning this building.

The feasibility study lists several options for consideration. The above information pertains to Option No. 5, but the high cost of the work detailed in that option renders it not feasible at this time. Consideration must then be focused on Option No. 6, which addresses the continued operation of both the police and fire departments in the existing Municipal Building, and expanding these departments into the space now assigned to the Asheville City Schools maintenance department, which could be relocated elsewhere, and into the truck bay areas behind the current dormitories in the fire department portion of the building. This work can be phased in with the ultimate goal of providing room for expansion of the police and fire departments in years to come.

-11-

Currently, we do not have cost estimates for the Municipal Building renovations of Option No. 6 to house both the fire and police departments. Architectural engineering firm ENG/6A, which performed the feasibility study, is currently under contract.

Due to the high cost of Option No. 5 (\$14,784,000), staff seeks concurrence from City Council to amend the current architectural engineering feasibility study contract (increase of \$6,300) to include a detailed analysis of Option No. 6 with projected costs for renovations to the Municipal Building housing both the police and fire departments. These costs can reflect a phased-in construction process to lessen the burden of initial funding costs.

RESOLUTION BOOK NO. 23 - PAGE 84

F. RESOLUTION NO. 96-5 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

Summary: The terms of Alan Levy, Bonnie Hobbs and Chuck Pickering expired on December 31, 1995. This resolution will reappoint them, respectively, to an additional two year term, term to expire December 31, 1997, or until their

successors have been appointed. Barbara Logan has resigned from the Downtown Commission. Victor Trantham is appointed to fill Ms. Logan's unexpired term. His term will expire December 31, 1996, or until his successor has been appointed.

RESOLUTION BOOK NO. 23 - PAGE 85

G. RESOLUTION NO. 96-6 - RESOLUTION REAPPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE FAIR HOUSING COMMISSION

Summary: The terms of Jim Drummond, Joyce Harrison and Jim Barrett expired on December 31, 1995. This resolution will reappoint them, respectively, to an additional three year term, term to expire December 31, 1998, or until their successors have been appointed.

RESOLUTION BOOK NO. 23 - PAGE 86

H. RESOLUTION NO. 96-7 - RESOLUTION REAPPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Summary: The term of Mitch McEntire expired on January 1, 1996. This resolution will reappoint Mr. McEntire to serve an additional two year term, term to expire January 1, 1998, or until his successor has been appointed.

RESOLUTION BOOK NO. 23 - PAGE 87

I. RESOLUTION NO. 96-8 - RESOLUTION REAPPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Summary: The term of Larry Casper expires on January 19, 1996. This resolution will reappoint Mr. Casper to serve an additional three year term, term to expire January 19, 1999, or until his successor has been appointed.

RESOLUTION BOOK NO. 23 - PAGE 88

J. MOTION SETTING A PUBLIC HEARING FOR JANUARY 23, 1996, TO CONSIDER A VARIANCE REQUEST FOR COURTYARD OF ASHEVILLE

-12-

Mayor Martin said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

Councilman Worley moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Cloninger and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission ("Commission") relative to group developments at the next scheduled regular meeting of the City Council. 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. The following actions were taken by the Planning and Zoning Commission on January 3, 1996:

EXPANSION OF CARE-FREE WINDOWS/KINCO DIVISION AT 150 WESTSIDE DRIVE

Mr. Gerald Green, Senior Planner, said that on December 4, 1995, the Planning Department received the site plan for the expansion of the Care Free Windows light industrial facility located at 150 Westside Drive in the Westside Industrial Park. The proposed expansion will add approximately 52,000 square feet to the existing 85,000 square foot facility. The expansion also includes an expanded parking lot. The site plan was presented to the Technical Review Committee on December 11, 1995, for their comments.

On January 3, 1996, the Commission reviewed the site plan and opened the meeting for public comment. Those that spoke did support the project; however, there was some concern over the existing street infrastructure and its ability to carry the additional work trips that will be generated. This expansion will increase the number of jobs from 80 to 150. The 1993 traffic counts through this intersection is approximately 4,000 vehicles a day. A traffic study done last summer by NC Dept. of Transportation indicated that this intersection did not warrant a signal and even with the increase of 140 trips a day (70 jobs x 2 trips) this would not come close to the minimum number of trips (approximately 7,000) needed for the signal.

One adjoining property owner voiced his concern over the outside lighting that illuminates into his home. He requested that some additional trees be planted between his property and the parking lot expansion. After the meeting, the developer and the property owner agreed to the installation of four additional trees along the south parking lot perimeter which should assist in buffering the owner's home from the outside lighting.

The Planning staff and the Commission voted unanimously to approve the project with the condition that a letter from the County Fire Marshal indicate adequate water flow for fire protection. The Fire Marshal's Office has been contacted and they have stated that the water flow is sufficient for fire protection for the proposed project.

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

-13-

A-B Technical College Rhododendron Building

Mr. Gerald Green, Senior Planner, said that A-B Tech is proposing a 14,875 square foot addition to the Rhododendron Building on the A-B Tech campus.

The four story addition will be placed on the northwest side of the existing building and will be used for academic purposes. The property is zoned Office Institutional ("OI"). Access to the addition is provided by Victoria Road. The site plan meets all of the development standards in the OI zoning district. Existing parking is adequate to serve the addition.

At the Commission's January 3, 1996, meeting, they voted unanimously to recommend approval of this group development with the following condition: (1) receipt of letters of approval for water and sewer availability. Both of these agencies have been contacted and they have stated that the approval letters are on their way.

The Planning Department staff recommended approval with the same condition recommended by the Commission.

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

B. CLAIMS

The following claims were received by the City of Asheville during the week of December 15-20, 1995: Lars Johan Bjorkman (Streets), Lucille Norton (Finance), Jacqueline Christian (Police), Dave LeMieux (Police) and Bell South (Water).

The following claims were received during the week of December 21, 1995 - January 4, 1996: Donna E. Daniels (Police), Eddie Allison (Sanitation), Donia Rice (Water), Donnie Oakes (Parks & Recreation), Michael McDlanahan (Water), Mark Walkowe (Inspections), Highland Park (Water), Christine Webb (Water), Bell South (Water) and Melanie Johnson (Police).

He said that these claims would be referred to Asheville Claims Corporation for investigation.

C. LAWSUIT

The following lawsuit was received by the City on December 20, 1995: County of Buncombe v. City and Deborah Anderson (property tax foreclosure).

This lawsuit will be handled in-house.

D. GREAT SMOKY MOUNTAINS NATIONAL PARK ALLIANCE OF COMMUNITIES

City Manager Westbrook informed City Council that the Great Smoky Mountains National Park Alliance of Communities has requested Asheville to become a part of this alliance. The alliance's mission is to work to affect the Park in a positive way: addressing issues which the alliance deems impacting and vitally important to its represented communities, their residents, and visitors as a whole. The first organizational meeting will be on Monday, January 22, 1996, at 2:00 p.m., in the Gatlinburg Convention Center.

-14-

He suggested that it might be good for a Council member to go to the first meeting to see if this is something Asheville would be interested in joining.

E. SNOW REPORT

City Manager Westbrook gave a snow removal report to the Council.

Mayor and Council thanked various City departments, in particular the Public Works Department, for the fine job they have done with handling this winter storm.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 7:48 p.m.

CITY CLERK MAYOR
