

Tuesday - November 26, 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 Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Hay gave the invocation.

I. PROCLAMATIONS: None.

FUTURE LEADERS OF AMERICA

Mr. H.K. Edgerton recognized the Future Leaders of America, along with the Educational Chair of the NAACP, Ms. Ingram.

II. CONSENT:

Mr. H.K. Edgerton asked that Item I be removed from the Consent Agenda for individual discussion.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 12, 1996, AND THE WORKSESSION HELD ON NOVEMBER 19, 1996

B. RESOLUTION NO. 96-195 - RESOLUTION REAPPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

Summary: The terms of Kathryn Liss and Cynthia Janes expire on December 31, 1996. This resolution will reappoint Kathryn Liss and Cynthia Janes to each serve an additional three year term, respectively. Their terms will expire on December 31, 1999, or until their successors have been appointed and qualified.

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C. RESOLUTION NO. 96-196 - RESOLUTION REAPPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

Summary: The terms of Victor Trantham, Jim Samsel and Garry Moffitt expire on December 31, 1996. This resolution will reappoint Victor Trantham, Jim Samsel and Garry Moffitt to each serve an additional three year term, respectively. Their terms will expire on December 31, 1999, or until their successors have been appointed and qualified.

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D. RESOLUTION NO. 96-197 - RESOLUTION REAPPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Summary: The term of M. Jerry VeHaun expires on January 1, 1997. This resolution will reappoint Mr. VeHaun to serve an additional two year term, term to expire January 1, 1999, or until his successor is appointed.

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E. RESOLUTION NO. 96-198 - RESOLUTION REAPPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Summary: The term of Mike Holcombe expires on January 19, 1997. This resolution will reappoint Mr. Holcombe to serve a three year term, term to expire January 19, 2000, or until his successor is appointed.

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F. RESOLUTION NO. 96-199 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT AUTHORITY

Summary: The terms of Grace Dorn and Tom Tomlin expire on December 31, 1996. This resolution will reappoint Grace Dorn to serve an additional four year term, term to expire December 31, 2000, or until her successor has been duly appointed. This resolution will also reappoint Tom Tomlin to serve an additional four year term, however, Mr. Tomlin's reappointment is with the understanding that he will resign December 31, 1997, or as soon thereafter as the new Transit Facility is built.

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G. RESOLUTION NO. 96-200 - RESOLUTION FINDING THE BOSTON WAY SPECIAL ASSESSMENT PROJECT COMPLETE, ASSESSING THE TOTAL COST AND CALLING FOR A PUBLIC HEARING ON DECEMBER 17, 1996, ANNOUNCING THE COMPLETION OF THE PRELIMINARY ASSESSMENT ROLL

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H. RESOLUTION NO. 96-201 - RESOLUTION FINDING THE KITCHEN PLACE SPECIAL ASSESSMENT PROJECT COMPLETE, ASSESSING THE TOTAL COST AND CALLING FOR A PUBLIC HEARING ON DECEMBER 17, 1996, ANNOUNCING THE COMPLETION OF THE PRELIMINARY ASSESSMENT ROLL

RESOLUTION BOOK NO. 23 - PAGE 343

I. RESOLUTION TO ADOPT PRIORITY RATING SYSTEM FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS FOR FISCAL YEAR 1997

This item was removed from the Consent Agenda for individual discussion.

J. MOTION SETTING A PUBLIC HEARING ON DECEMBER 17, 1996, TO AMEND THE ZONING ORDINANCE RELATIVE TO CONDITIONAL USE REQUIREMENTS FOR NURSERIES AND KINDERGARTENS

K. RESOLUTION NO. 96-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A LEASE WITH BUNCOMBE COUNTY BOARD OF EDUCATION FOR THE SHILOH COMMUNITY CENTER

Summary: The City of Asheville and the Buncombe County Board of Education entered into a lease agreement on December 1, 1976, which allowed the City to maintain and operate a recreation center located in the Shiloh community. This lease agreement expires December 2, 1996. Both parties wish to extend this lease agreement for two to three additional months in order for negotiations to continue which COULD result in a renewal of the lease agreement or possibly complete ownership of the property by the City of Asheville. This length of time is necessary in order to negotiate several options with the Buncombe

County Board of Education.

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The Parks and Recreation Department requests approval of an extension of the lease agreement with Buncombe County Board of Education for use of Shiloh property for recreation purposes.

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L. MOTION AUTHORIZING THE PARKS & RECREATION DEPARTMENT TO SOLICIT REQUESTS FOR PROPOSALS FROM DESIGN FIRMS AND REVIEW RENOVATIONS IN THE COUNCIL CHAMBER IN THE CITY HALL BUILDING

Summary: The Parks and Recreation Department requests input from City Council on needed renovations to the Council Chamber of the City Hall building, and requests approval to solicit Requests for Proposals to obtain a design firm to provide design services for these improvements.

M. MOTION CONFIRMING THE UNIFIED DEVELOPMENT ORDINANCE SCHEDULE AND PUBLICITY PLAN

Summary: The schedule proposes an adoption date of early March for the UDO text and of late April for the maps (zoning). The text would become effective upon adoption of the maps. Included in the schedule are dates for review and approval of the UDO text by the Planning and Zoning Commission, public meetings to review the staff mapping (zoning) proposals, and joint City Council/Planning and Zoning Commission public hearings. The dates proposed in the schedule are dictated in part by notice requirements established by state statutes. The schedule proposes three public hearings to receive comments on the text and two (2) public hearings to receive comments on the mapping (zoning). Public hearings to review the mapping (zoning) are proposed to be held jointly by City Council and the Planning and Zoning Commission. The mapping public hearings would be in addition to the five mapping public meetings to be held in mid to late January. The proposed schedule establishes a rigorous schedule for Council during the last week of February and the last week in March, with two public hearings each of these weeks in addition to Council's regular meetings.

An extensive advertising campaign is proposed to provide citizens with adequate notice of the public meetings and hearings which will be held to inform the public of the content of the UDO. A certain amount of notification for zoning text and map amendments is required by North

Carolina General Statutes. State statutes require more extensive notification for the mapping changes than for the text changes. A standard legal notice fulfills the requirement for notification and advertisement for the public hearings on the UDO text. For the mapping public hearings, the legal notice must be run in the newspaper four times and must provide detail of the proposed changes. It is proposed that a two page advertisement be run four times in the Asheville Citizen-Times. The ad would include a small copy of the proposed zoning map of the entire city, with a larger map detailing the proposed zoning

changes in one quadrant of the city. A different quadrant would be shown in each of the four notices. A brief description of the changes and details of the meeting time(s) and location would be included in the ad. In addition, state statutes require that all property owners who live outside the general circulation area of the newspaper receive first class mail notice of the public hearing(s) at which map changes will be discussed. First class mail notice of all property owners who live outside Buncombe County is proposed.

Additional publicity efforts are also proposed to inform citizens of the UDO. These efforts include placing notices of the public

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hearings and public meetings in the recycling containers ("curbies") which will be distributed to all households in the city in late December, 1996. Also proposed are an advertising campaign with special ads in the Citizen-Times, public information announcements on local radio stations, and infomercials on the local cable television station.

N. RESOLUTION NO. 96-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BILTMORE VILLAGE HISTORIC MUSEUM COMMISSION INC. FOR THE PURCHASE, INSTALLATION, MAINTENANCE AND OWNERSHIP OF 42 CAST IRON LIGHT FIXTURES RELATING TO THE BILTMORE VILLAGE PROJECT

Summary: This resolution will authorize the City Manager to sign an agreement with the Biltmore Village Historic Museum Commission, Inc. for the purchase, installation and maintenance of 42 cast iron light fixtures for the Biltmore Village project in an amount not to exceed \$70,000.

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O. MOTION ACCEPTING THE RECOMMENDATIONS FROM THE TASK FORCE ON THE FUTURE OF THE CIVIC CENTER

Summary: Recommendations are as follows:

1. Direct the Task Force to proceed with exploration of the desirability of multi-purpose facilities providing space suitable for arena events, performing arts and convention and meeting facilities by:

a. Performing a market analysis to determine the market for multi-purpose facilities and the economic opportunities

currently being lost and which might be available with a modern facility.

b. Focusing on the feasibility of maintaining the facilities in the current location including land availability and architectural and engineering feasibility of modernizing and enlarging the existing facility.

c. Determining the economic benefits to the City and region, both direct and indirect, to be derived from expanded multi-purpose facilities.

d. Exploring the possibilities of public-private partnerships in connection with possible hotel, parking and other amenities as part of multi-purpose facilities.

e. Determining possible methods of providing financing for multi-purpose facilities.

2. Expand the Task Force membership to include representatives from Buncombe County and the Tourism Development Authority.

3. Address the parking and accessibility problems associated with the current location of the Civic Center as a part of determining the feasibility of maintaining the facilities in the current location.

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P. RESOLUTION NO. 96-204 - RESOLUTION APPROVING THE SALE OF DISPOSAL PARCELS 2A & 3A (LOCATED APPROXIMATELY 200 FEET SOUTH OF THE INTERSECTION OF ASHELAND AND HILLIARD AVENUES) IN THE EAST RIVERSIDE REDEVELOPMENT PROJECT TO DRITTA ENTERPRISES.

Summary: Disposal Parcels 2A and 3A are CS Commercial Service lots located approximately 200 feet south of the intersection of Asheland and Hilliard Avenues, comprising 10,347 square feet. The lots are irregular in shape and mostly flat at street level to a depth of about 150 feet then dropping sharply about 15 feet with the rear of the lot being on grade with South Grove Street. Dritta Enterprises is a N.C. partnership composed of Eugene L. Presley, Ralph P. Presley and Richard H. Presley and is the owner of adjacent property where Hayes & Lunsford Electrical Contractors Inc. is located. The bid from Dritta Enterprises includes the proposal to incorporate 2A and 3A into its existing property and to landscape the parcels to provide a green belt buffer for its existing property.

The bid of Dritta Enterprises, in the amount of \$22,250, is not less than the established minimum price of \$22,250. The upset bid process was followed and an upset bid was received by Dr. Albert Anderson in the amount of \$23,412.50. The upset bid process was followed and an upset bid was received by Dritta Enterprises in the amount of \$25,000. The upset bid process was followed and an upset bid was received by Dr. Albert Anderson in the amount of \$26,345. The upset bid process was followed and an upset bid was received by Dritta Enterprises in the amount of \$27,750. The upset bid process was followed and an upset bid was received by Dr. Albert Anderson in the amount of \$29,187.50. The upset bid process was followed and an upset bid was received by Dritta Enterprises in the amount of \$30,700. The upset bid process was again followed and no upset bid was received.

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Q. RESOLUTION NO. 96-205 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT DEEDS & RIGHT-OF-WAY AGREEMENTS FROM PRIVATE PROPERTY OWNERS ARISING FROM REAL PROPERTY ACQUISITION RELATING TO THE GLENDALE AVENUE BRIDGE PROJECT

Summary: By Resolution No. 92-29 adopted on March 17, 1992, the Asheville City Council authorized the Mayor of the City of Asheville to sign a municipal bridge agreement and all related documents approved by the City Attorney with the North Carolina Department of Transportation for replacement of Glendale Bridge over the Swannanoa River.

On April 7, 1992, the Mayor executed a municipal bridge agreement with the North Carolina Department of Transportation. That municipal bridge agreement requires the municipality to acquire all necessary rights-of-way needed so as to complete the project in accordance with the approved plan for the Project. The agreement further requires that the municipality not proceed with acquiring said rights-of-way until such time as the municipality is authorized to proceed by the Department. The Department has now authorized the City to proceed with acquiring the necessary rights-of-way in order to successfully replace the Glendale Avenue Bridge. City staff has identified two parcels located along the Swannanoa River that are necessary for the successful replacement of Glendale Bridge along with a further need to obtain a temporary construction easement. While no additional parcels have been slated for acquisition, it is possible that additional rights-of-way may be needed as the Project gets underway. The City will need to acquire the fee simple interest and temporary construction easements from two

separate property owners. It is currently anticipated that the acquisition costs for these parcels will not exceed \$5,000.

Acceptance of the fee simple interest in said rights-of-way must be clearly shown on both deeds to be forwarded to the North Carolina Department of Transportation before this Project can commence.

The Public Works Department staff recommend adoption of the resolution.

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Mayor Martin said that members of Council have been previously furnished with copies of the resolutions on the Resolutions & Motions Consent Agenda and they will not be read.

Councilman Skalski moved for the adoption of the Resolutions & Motions Consent Agenda. This motion was seconded by Councilman Sellers and carried unanimously.

Ordinances:

A. ORDINANCE NO. 2335 - BUDGET AMENDMENT RELATIVE TO MAINTENANCE RESPONSIBILITIES FOR 35 ADDITIONAL TRAFFIC SIGNALS

Summary: This budget amendment, in the amount of \$19,500, is to add revenue from the N.C. Dept. of Transportation for the City's acceptance of maintenance responsibilities for 35 additional traffic signals with reimbursement.

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B. ORDINANCE NO. 2336 - BUDGET AMENDMENT FOR ADDITIONAL PUBLICITY COSTS REGARDING THE UNIFIED DEVELOPMENT ORDINANCE

Summary: This budget amendment, in the amount of \$12,356, is for additional publicity costs regarding the Unified Development Ordinance. This will increase the amount appropriated for UDO publicity from \$35,000 to \$47,356.

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C. ORDINANCE NO. 2337 - ORDINANCE PROHIBITING TRUCK TRAFFIC ON LULA STREET, IRWIN STREET, REED STREET, RICHMOND HILL DRIVE AND THOMAS STREET

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D. ORDINANCE NO. 2338 - ORDINANCE REDUCING THE SPEED ON LULA STREET, IRWIN STREET, THOMAS STREET, SUMMIT STREET AND RICHMOND HILL DRIVE TO 20 MILES PER HOUR AND REDUCING THE SPEED ON REED STREET TO 25 MILES PER HOUR

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Mayor Martin said that members of Council have been previously furnished with copies of the ordinances on the Ordinance Consent Agenda and they will not be read.

Councilman Worley moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Councilman Sellers.

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On a roll call vote of 7-0, the Ordinance Consent Agenda passed on its first and only reading.

ITEM REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION

RESOLUTION NO. 96-206 - RESOLUTION TO ADOPT PRIORITY RATING SYSTEM FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS FOR FISCAL YEAR 1997

Summary: The City will be receiving \$1,587,000 from HUD through the Community Development Block Grant program for the year beginning July 1, 1997. The funding must be used for activities that benefit low and moderate income persons or aid in the prevention or elimination of slums and blight. At least 70 percent of the funding must be used for activities that benefit low and moderate income persons. Each year during the months of February/March the City evaluates applications received from agencies that have applied to the City for CDBG funding. The deadline to submit the application to the City is January 31, 1997.

The Housing and Community Development Committee discussed the priority rating system in November 1996 and recommends the approval of the attached rating system which gives highest priority to affordable housing projects.

Community Development staff recommends adoption of the resolution.

Mr. H.K. Edgerton urged City Council to reconsider the rating for projects which provide economic development activity for low-moderate income persons as defined by HUD.

Vice-Mayor Field said that this rating system is clearly based on the priorities of the Council. She felt that the issue has been addressed regarding the creation of jobs.

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

Vice-Mayor Field moved for the adoption of Resolution No. 96-206. This motion was seconded by Councilman Hay and carried unanimously.

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III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CLOSE EVELAKE DRIVE WHERE IT DEAD ENDS WITH THE CITY OF ASHEVILLE TERRITORIAL LINE, ADJACENT TO HAZEL TOWNSHIP

RESOLUTION NO. 96-207 - RESOLUTION CLOSE EVELAKE DRIVE WHERE IT DEAD ENDS WITH THE CITY OF ASHEVILLE TERRITORIAL LINE, ADJACENT TO HAZEL TOWNSHIP

Mayor Martin opened the public hearing at 5:18 p.m.

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

Ms. Suzanne Molloy, Assistant Director of Public Works, said that the residents of Camelot Community and members of Camelot Community Watch have requested that Evelake Drive at a point 2305 feet from the intersection with Leicester Highway be permanently closed to public use.

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The request to close the street contained 134 signatures from residents of the Camelot neighborhood. Some residents who purchased their homes on Evelake Drive thought that Evelake Drive was a dead-end. Residents reported that through

traffic from an illegal driveway connection outside the City limits since 1978 has resulted in safety problems on the residential street. In response to the request, City staff installed temporary barricades at this dead end portion of Evelake Drive to further evaluate the problem. Subsequent to the installation of the barricades, motorists disregarded the temporary safety improvement and destroyed the barricades. This particular access point continued to be used as a short cut for motorists entering and exiting a local mobile home park in Buncombe County. Said mobile home park maintains permanent existing access at Smith Graveyard Road.

City staff has found that motorists transversing Evelake Drive from the mobile home park were disregarding posted speed limits, children playing, pedestrians, residents backing out of driveways, and littering the roadway. Staff has determined that this closure will promote the public safety of all residents living on Evelake Drive. All owners of adjoining property effected by the street closing have been notified by certified mail of the Resolution of Intent to permanently close the street.

The Public Works Department staff recommends the closing of Evelake Drive at a location 2305 feet from the intersection with Leicester Highway be approved due to safety concerns and based upon the fact that the adjacent property in Buncombe County has access to Smith Graveyard Road.

Upon inquiry of Councilman Hay of how this is an illegal driveway connection, Ms. Molloy explained that to have a connection to any City road, you have to apply for a driveway access permit, which was never applied for.

Mayor Martin said that he had received a letter from Mr. Ken Simmons of 42 Evelake Drive who supported the road closing.

Upon inquiry of Mayor Martin, Mr. James Cheeks, Traffic Engineer, said that at the end of the road a guardrail with three panels of reflecting sheeting on both sides would be installed.

When Vice-Mayor Field asked about room to turn around at the end of the road, Mr. Cheeks said that there is a circular area there now, somewhat like a cul-de-sac.

The following persons spoke in support of the road closing for various reasons, some being, speeding on Evelake Drive, litter, a dead-end sign was on Evelake Drive when some purchased their houses, drugs and alcohol, vandalism and larceny:

Ms. Judy Cagle, resident on Evelake Drive

Ms. Sharon Domingo, area resident

Two residents at 37 Evelake Drive

Ms. Brenda Simmons, 42 and 46 Evelake Drive

Mr. Harvey Elkins, area resident

Ms. Diane O'Kelley, speaking on behalf of the owner of the mobile home park, said that in 1978 when that portion of the mobile park was built, the developers of the Camelot Subdivision said that because the Camelot property line directly abutted the trailer park part, that there was no buffer in between and they did have access to Evelake Drive. However, she said there are no written documents stating that. She said

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that they are opposed to the closing, they have retained legal counsel and, there is litigation pending. For the mobile home residents to have to go out Smith Graveyard Road rather than direct access onto Evelake Drive is an inconvenience to them. She said that it was unfair to penalize the 22 people who live in the mobile home park just because one or two of them are bad.

Mr. Jeff Penley, 205 Smith Graveyard Road, spoke in opposition to the road closing. He felt that the safety issue could also be addressed by the mobile home park residents. The inconvenience of the closing would also delay rescue and police from reaching the mobile home park quickly.

Mayor Martin closed the public hearing at 5:44 p.m.

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

Councilman Cloninger moved for the adoption of Resolution No. 96-207. This motion was seconded by Councilman Skalski and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER REZONING 223 EAST OAK VIEW ROAD FROM LI LIGHT INDUSTRIAL TO R-3 MEDIUM DENSITY RESIDENTIAL

ORDINANCE NO. 2339 - ORDINANCE TO REZONE 223 EAST OAK VIEW ROAD FROM LI LIGHT INDUSTRIAL TO R-3 MEDIUM DENSITY RESIDENTIAL

Mayor Martin opened the public hearing at 5:45 p.m.

City Clerk Burleson 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 the rezoning of lot 9627-12-75-7736 from LI Light Industrial to R-3 Medium Density Residential.

The subject property is approximately one acre. The lot is located on East Oak View Road off of Brevard Road. The lot contains one residential structure. The 2010 Plan recommends low density residential along this area of Hominy Creek. The current character of the area south and east of the subject property is light industrial but there remains a small pocket of residential structures between the interstate and the industrial development.

The Planning staff reviewed the rezoning request and recommended approval of the rezoning of lot 9627-12-75-7736 from LI to R3. At their November 6, 1996, the Planning & Zoning Commission voted unanimously to recommend approval of the rezoning.

Mayor Martin closed the public hearing at 5:49 p.m.

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

Councilman Cloninger moved for the adoption of Ordinance No. 2339. This motion was seconded by Councilman Worley.

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On a roll call vote of 7-0, Ordinance No. 2339 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 134

IV. UNFINISHED BUSINESS:

A. RESOLUTION NO. 96-208 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NON-WARRANTY DEED TO AN ASSOCIATION OF PROPERTY OWNERS ADJOINING TINGLE ALLEY

Mayor Martin said that this matter was postponed on August 13, 1996, and then again on September 24, 1996, and again on October 22, 1996, until this date to give the property owners in the area time within which to discuss this issue.

Councilman Cloninger asked that he be excused from voting because his firm, of which he is a partner, represents Ms. Lantzius. Therefore, Councilman Worley moved to excuse Councilman Cloninger from voting due to a conflict of interest. This motion was seconded by Councilman Skalski and carried unanimously.

City Attorney Oast explained that it is the position of the City of Asheville that Tingle Alley, the adjacent open court and the wall are all on private property and are not a City responsibility. One way to extinguish any interest that the City does have is a non-warranty deed. Within the last hour it has come to his attention that an agreement has been agreed to by Ms. Dawn Lantzius who is the owner of the property upon which the wall is located and owner of a substantial portion of the property surrounding the alley and court. That agreement, by and between Ms. Lantzius and most, if not all, of the other property owners along that alley, is for the disposition of it once the City executes the deed. He recommended Council authorize the Mayor to execute a non-warranty deed to an association of property owners along Tingle Alley. The name of the association is not known at this time. City Attorney Oast noted that if Ms. Lantzius' attorney is unable to obtain the signatures on the agreement of all the property owners along Tingle Alley, then this matter will be back before Council.

Mr. Doug Thigpen, attorney representing Ms. Dawn Lantzius, said that he fully anticipated having all signatures on the agreement and apologized for not having it for this meeting. He stated, however, that the property owners have agreed verbally to sign the agreement. He said the name of the grantee on the deed will be consistent with the signatories on the agreement, something along the line of naming the individuals and then saying "organized as an unincorporated association known as the Tingle Alley Cooperative Association."

City Manager Oast recommended that the grantee on the deed be the association or all of the property owners that abut that alley rather than just one.

Councilman Worley read the resolution authorizing the Mayor to execute a non-warranty deed to an association of property owners adjoining Tingle Alley conveying any interest that the City may have in Tingle Alley and open court.

Councilman Worley then moved for the adoption of Resolution No. 96-208. This motion was seconded by Councilman Hay and carried unanimously.

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RESOLUTION BOOK NO. 23 - PAGE 351

V. NEW BUSINESS:

A. DISCUSSION AND DIRECTION ON W.T. WEAVER BOULEVARD AND BROADWAY AVENUE

GREENWAYS

ORDINANCE NO. 2340 - BUDGET AMENDMENT, IN THE AMOUNT OF \$27,000, RELATIVE TO THE W.T. WEAVER BOULEVARD GREENWAY

Ms. Erin McLoughlin, Urban Planner, brief the Council on the W.T. Weaver Boulevard greenway first. She reviewed the information she presented to Council at their worksession on November 19, 1996.

Planning staff recommends (1) an 8-foot multi-use greenway be located in UNC-A's lawn area between W.T. Weaver Boulevard and Glenn Creek; (2) that Phase I and Phase II be reversed, so that the eastern portion of the project would be completed first (in the spring of 1997); (3) that vehicular traffic beginning at the Merrimon Avenue intersection be reduced from 4 lanes to 3 for approximately 1,000 feet to accommodate a greenway separated from automobile traffic by a 3-4 foot landscaped strip; and (4) that an additional \$27,000 be appropriated so that the eastern portion of the project may be completed in the spring of 1997.

Councilman Hay said that after visiting the area several times since the last meeting to consider which options might better serve the community, he was now comfortable with reducing that portion on W.T. Weaver Boulevard to three lanes.

Vice-Mayor Field moved to accept staff's recommendations as outlined above by Ms. McLoughlin. This motion was seconded by Councilman Skalski and carried unanimously.

Audit/Budget Director Bob Wurst explained the budget amendment noting that the amendment will set up a project appropriation for the W. T. Weaver Boulevard greenway in the amount of \$107,000. Funding in the amount of \$10,000 for design of W. T. Weaver Boulevard sidewalks was included in the 1995/96 Street & Sidewalk Program of which \$8,846 is unspent. The 1996/97 Street & Sidewalk Program includes \$80,000 for W. T. Weaver Boulevard. Staff has recommended that these funds along with an additional \$18,154 from surplus 1995/96 Sidewalk funding be reprogrammed to the W. T. Weaver Boulevard Greenway Project.

Vice-Mayor Field commended Ms. McLoughlin and Mr. Al Kopf, Landscape Architect, for this innovative solution of a greenway along W.T. Weaver Boulevard. She was pleased that the City was moving forward with greenways in the City.

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

Councilman Worley moved for the adoption of Ordinance No. 2340. This motion was seconded by Councilman Sellers.

On a roll call vote of 7-0, Ordinance No. 2340 passed on its first and final reading.

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Ms. Erin McLoughlin, Urban Planner, then briefed the Council on the Broadway greenway. She reviewed the information she presented to Council at their worksession on November 19, 1996.

Ms. McLoughlin said that for many years discussion has taken place on the desire to construct a greenway along Broadway in conjunction with the Broadway Widening Project which is currently underway. Staff has determined that

currently much of the needed right-of-way is in private ownership. These property owners will need to be approached and negotiated with in order to secure the right-of-way necessary for the greenway. Many forms of negotiations are used for greenways, including easements, donations, fee simple and combinations of these. Staff sought proposals from national conservation firms. The Trust for Public Land ("TPL") is the only firm to submit a proposal. The TPL is a national non-profit land conservation organization that acquires land for people to enjoy as parks, gardens, natural areas and open space. The total contract amount for the proposal by TPL is \$58,790, which includes reimbursables for appraisals, title work, surveys and travels. Funds in the amount of \$30,000 are available in the Parks & Recreation budget for this purpose. In addition, the City of Asheville applied for and received \$10,000 from the Pigeon River Fund. Staff recommends that City Council (1) appropriate funds in the amount of \$18,790; (2) direct the City Manager to enter into contract with the TPL to secure the right-of-way for the Broadway greenway; and (3) authorize the City Manager to sign the grant acceptance agreement with the Pigeon River Fund.

Upon inquiry of Councilman Hay about what the City will be obligated to do if they accept the \$10,000 grant, Ms. McLoughlin said that the City applied for the grant to hire a professional land conservation organization to secure right-of-way, so it will need to be used for negotiating fees.

Mr. H.K. Edgerton stated that he did support greenways. However, he felt that the City should have had to go through the Minority Business Program. Even though Ms. McLoughlin stated at the last meeting that there were only three firms in the nation that did this type of work, it is imperative that the City follow the procedures that are designed to help disadvantaged people.

Ms. McLoughlin felt that Mr. Edgerton was correct and she apologized for not making contact with the Minority Business Affairs office prior to obtaining proposals. She did note that she has since talked to the Minority Business Coordinator and any future proposal that she handles will be brought to the attention of that Office.

Mayor Martin noted that he has received a letter from the Mayor of Winston-Salem endorsing the selection of TPL.

Councilman Worley moved to authorize the City Manager to sign a grant acceptance contract with the Pigeon River Fund. This motion was seconded by Councilman Cloninger and carried unanimously.

Audit/Budget Director Bob Wurst explained the budget amendment noting that the amendment will set up a project appropriation for the Broadway Greenway in the amount of \$225,487. This budget action combines previously approved funding for the Broadway Greenway in the amounts of \$166,697 in prior years Capital Improvements Plans along with \$30,000 in the current Parks approved Capital Plan with a \$10,000 Grant from the Pigeon River Fund and \$18,790 of General Capital Contingency to establish a project appropriation totaling \$225,487 for this project. The General Capital Contingency balance is \$74,210 after this action.

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Councilman Cloninger moved to authorize the City Manager to enter into a contract with The Trust for Public Land to negotiate and secure right-of-way for the Broadway greenway. This motion was seconded by Councilman Worley and carried unanimously.

Mayor Martin said that members of Council have been previously furnished with a

copy of the budget amendment ordinance and it would not be read.

Councilman Cloninger moved for the adoption of Ordinance No. 2341. This motion was seconded by Councilman Sellers.

On a roll call vote of 7-0, Ordinance No. 2341 passed on its first and final reading.

ORDINANCE BOOK NO. 16 - PAGE 138

VI. OTHER BUSINESS:

A. HOUSING

Councilman Hay said that the Housing & Community Development Committee would like the City Council to consider making housing issues a higher priority for the work of the City and the work of the Council. On behalf of the Committee, he asked that this topic be discussed at Council's retreat in January. Since the Affordable Housing Coalition has invited City Council to take a tour to see the housing needs in the City, he felt it might be good to take that tour prior to the January retreat.

It was the consensus of Council to take a tour with the Affordable Housing Authority on Tuesday, December 17, 1996, at 2:30 p.m. A meeting place to start the tour will need to be coordinated with the Affordable Housing Coalition.

B. RESOLUTION NO. 96-209 - RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

City Clerk Burleson read the resolution stating that the term of Jewell Wilson expired on November 13, 1996. This resolution will appoint Ralph Morris to serve a three year term, term to expire November 13, 1999, or until his successor is appointed.

Councilman Worley moved for the adoption of Resolution No. 96-209. This motion was seconded by Vice-Mayor Field and carried unanimously.

RESOLUTION BOOK NO. 16 - PAGE 352

C. RESOLUTION NO. 96-210 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

City Clerk Burleson read the resolution stating that the terms of Ann Cross and Lewis Clay, as Regular Members, and Burt Stanford and Michelle Rippon, as Alternate Members, expire on January 21, 1997. This resolution will appoint Darryl Hart and David Young as Regular Members to the Board of Adjustment and reappoint Burt Stanford and appoint Chris Goodwin as Alternate Members to the Board of Adjustment. All terms are to begin January 21, 1997, respectively, and expire on January 21, 2000, or until their successors have been appointed and qualified.

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Vice-Mayor Field said that there were many fine applicants for the Board of Adjustment and the decisions made were difficult.

Councilman Hay felt that City Council worked hard for a balanced board. He noted that in the next quarter City Council will be accepting applications for the Asheville School Board, the Civic Center Commission and the Water Authority.

Councilman Worley moved for the adoption of Resolution No. 96-210. This motion was seconded by Councilman Hay and carried unanimously.

RESOLUTION BOOK NO. 16 - PAGE 353

D. PARKING VIOLATIONS

Mr. Edward E. Loewe, 17 Inglewood Road, presented City Council with a letter regarding parking violations. He also presented Council with 71 photographs which he took in an approximate 2-1/2 hour period showing 108 vehicles on 42 streets illegally parked in some fashion. He urged City Council to enforce this law.

E. CLAIMS

The following claims were received by the City of Asheville during the week of November 1-14, 1996: Educational Lumber Company (Water), Sarah Ruth Blackmon (Police), Billy Mauldin (Parks & Recreation), Earl N. Lewis (Water) and John McBroom (Water).

These claims have been referred to Asheville Claims Corporation for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:36 p.m.

CITY CLERK MAYOR
