

Regular Meeting

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilwoman Diana Hollis Jones; Councilman Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman James E. Ellis

INVOCATION

Councilman Dunn gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING AUGUST 27, 2002, AS “BOB PRESSLEY DAY” IN THE CITY OF ASHEVILLE

Mayor Worley announced that Mr. Pressley will not be able to attend this meeting and they would reschedule his proclamation.

B. RECOGNITION OF EMERGENCY ASSISTANCE FROM OUR NEXT GENERATION YOUTH GROUP

On behalf of City Council and the citizens of Asheville, Mayor Worley thanked Eugene Cutshaw, Josh Dalton, David Douglas and Markus Smith who helped the Asheville Fire and Rescue Department recently at a house fire on Carrier Street in West Asheville.

Fire Chief Greg Grayson explained that a group of young gentlemen from our Next Generation Youth Group assisted our firefighters in a very bad situation. Workers were refinishing a basement floor in a home when a lamp dropped onto the floor igniting flammable vapors from chemicals being used. The workers in the house were severely burned when the fire flashed across the entire basement.

Across the street from where the fire occurred, the youth were working to remodel a house. Four gentlemen provided assistance to the victims before our arrival and continued to assist us to the best of their ability until the fire was under control and the patients were treated and transported.

Mayor Worley presented Mr. Cutshaw, Mr. Dalton and Mr. Smith with a certificate and a Fire Rescue lapel pin. Mr. Douglas was not at the meeting, however, his certificate and pin would be delivered to him.

II. CONSENT:

Vice-Mayor Bellamy asked that Consent Agenda Items L, M and N be removed from the Consent Agenda to be voted on separately.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 13, 2002, AND THE WORKSESSION HELD ON AUGUST 20, 2002

B. RESOLUTION NO. 02-131 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH UNC-A FOR LIMITED LAW ENFORCEMENT ON PROPERTY OWNED BY UNC-ASHEVILLE

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Summary: This consideration of a resolution authorizing the City Manager to enter into an agreement with UNC-Asheville in order to allow it's Public Safety Department the ability to enforce the law at certain locations within the City of Asheville, pursuant to N.C. Gen. Stat. sec. 15A-401.

The UNC-Asheville's Public Safety Department has requested that the City enter into a joint agreement with the UNC-A in order to allow the UNC-A public safety officers the ability enforce the law on property owned by UNC-A but located within the City

of Asheville. Currently, the UNC-A public safety officers do not have law enforcement powers on these UNC-A properties.

The properties are: Hyannis Drive, Corporative Campus Ministry House; 62 Macon Avenue, the Chancellor's Residence; Sevier Street Apartments #35 (Units A through J), #40 and #44 which are part of the University Housing; 95 Vivian Avenue – Pegasus Press Printing; The W.T. Weaver Boulevard Greenway Walking Path and surrounding area that constitutes the Greenway located near UNCA; and 138 Sevier Street - The Baptist Student Union.

By entering into this joint agreement, the Asheville Police Department will not be the primary agency for calls at these locations within the City but still maintain jurisdiction over the properties. Furthermore, this agreement does not effect the mutual aid agreement between the two agencies. In addition, by executing this agreement, the W.T. Weaver Boulevard Greenway Walking Path will get extra police coverage from the UNCA public safety officers.

City staff recommends approval of the resolution authorizing the City Manager to enter into a joint agreement with UNC-Asheville.

RESOLUTION BOOK NO. 27 – PAGE 225

C. ORDINANCE NO. 2949 - BUDGET AMENDMENT TO RECEIVE FUNDS FROM THE FAIR HOUSING ASSISTANCE PROGRAM GRANT

Summary: The consideration of a budget amendment, in the amount of \$63,000, to recognize a Fair Housing grant.

The City of Asheville has been awarded a grant of \$63,000 from the U.S. Department of HUD for the City's Fair Housing Assistance Program (FHAP) for the year ending September 30, 2002.

The City has received an annual FHAP grant for several years and subgrants the entire amount to the Asheville-Buncombe Community Relations Council, which undertakes fair housing education and enforcement in Asheville and Buncombe County.

Staff recommends approval of budget amendment.

ORDINANCE BOOK NO. 20 – PAGE 48

D. RESOLUTION NO. 02-132 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE A NOTICE TO EXCHANGE CITY-OWNED PROPERTY AT THE CORNER OF MOUNTAIN AND CLEMMONS STREET FOR PROPERTY AT TUSKEEGEE STREET

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Summary: The consideration of a resolution authorizing the City Clerk to publish a notice regarding the exchange of Disposal Parcel 173 located on Mountain Street for real property located on Tuskegee Street.

The City and Groundstar Development, Inc. have negotiated an exchange of Disposal Parcel 173 on Mountain Street for Groundstar's property on Tuskegee Street. Disposal Parcel 173 (PIN No. 9649.19-60-8939) is a residential lot owned by the City on Mountain Street comprising 8,276 square feet and designated to be sold for redevelopment as part of the East End/Valley Street Community Improvement Program. About half the lot is steeply sloped and about half is gently sloped. There is a concrete ditch across the middle of the property centered in a 20' drainage easement. According to the Public Works Director, the 20' drainage easement on the City's property on Mountain Street is unnecessary and can be abandoned.

The City's property is located one block from property on Tuskegee Street, owned by Groundstar (PIN No. 9649.19-60-4246). Groundstar purchased the lot on Tuskegee Street to build a single-family affordable house for sale. After purchasing the lot, purchasing zoning and building permits and incurring site preparation expenses, Groundstar discovered that the lot is not buildable because of a drainage structure on the property on Tuskegee. The City's Public Works Director recommends acquiring Groundstar's property because the drainage structure is essential to providing storm drainage on Tuskegee Street. An exchange of property has been negotiated which will satisfy Groundstar's need for a buildable lot and the City's need to continue to provide storm drainage on Tuskegee Street.

Approval of the resolution will initiate the exchange of the properties through the process provided in N.

Planning & Development staff recommends adoption of the resolution.

RESOLUTION BOOK NO. 27 – PAGE 226

E. RESOLUTION NO. 02-133 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE CITY-OWNED PROPERTY ON OTEEN CHURCH ROAD

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer of purchase for upset bids for 1.58 acres of land off Oteen Church Road.

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A bid from James R. and Irma S. Lewis, in the amount of \$24,000.00, has been received for the purchase of land adjacent to their property at 1150 Oteen Church Road. The bid is not less than the appraised value of \$24,000.00.

The property is zoned RS-2 and comprises of approximately 1.58 acre of land. The property has a triangular shape and is level at the street and gently sloping to about 6' above street level. The bid proposal includes a life estate in the driveway to Oteen Church Road with the City retaining an easement for ingress and egress. When the life estate expires, the City will own the driveway, and an easement for ingress and egress will accrue to the property at 1150 Oteen Church Road. There is no current or contemplated use for the property by the City. The

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Lewis' plan to assemble the property with the property they own at 1150 Oteen Church Road as a buffer to the park.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Planning staff recommends adoption of the resolution.

RESOLUTION BOOK NO. 27 – PAGE 227

F. RESOLUTION NO. 02-134 - RESOLUTION ACCEPTING ROYAL PINES DRIVE, BLAKE DRIVE, TWO PORTIONS OF SYCAMORE DRIVE, PEACHTREE STREET, CEDAR LANE, SYCAMORE TERRACE, TWO PORTIONS OF LINDEN STREET AND UPPER SONDLLEY DRIVE FOR CITY MAINTENANCE

Summary: The consideration of a resolution accepting Royal Pines Drive (SR 3162), Blake Drive (SR 3176), Sycamore Drive (SR 3171), Sycamore Drive (SR 3165), Peachtree Street (SR 3174), Cedar Lane (SR 3159), Sycamore Terrace (SR 3175), Linden Street (SR 3172), Linden Street (SR 3205), and Upper Sondley Drive for public maintenance.

As part of the annexation process, staff identifies streets in proposed annexation areas that should be maintained by the City after annexation. As part of the 2002 annexation process, ten streets were identified to be maintained by the City following annexation.

- Upper Sondley Drive is currently a private road. The length of the road is approximately 0.7 miles. Upper Sondley Drive begins and ends at Sondley Drive. The right-of-way for this street has previously been dedicated.
- Royal Pines Drive is currently a N. C. Dept. of Transportation (NCDOT) maintained roadway approximately .34 miles in length and is also known as State Route 3162. It begins at Hendersonville Rd and ends at the Sweeten Creek Rd.
- Blake Drive is currently an NCDOT maintained roadway approximately 0.25 miles in length and is also known as State Route 3176. The section proposed for acceptance begins at Royal Pines Drive and ends at the Sycamore Drive. Only a portion of this road was in the City prior to this annexation. Following annexation, all of the roadway will be in the city limits. Staff is requesting that the City maintain the entire length of Blake Drive.
- Sycamore Drive is currently an NCDOT maintained roadway approximately .33 miles in length and is also known as State Route 3171. It begins at Hendersonville Road and ends at Royal Pines Drive.

- Sycamore Drive is .12 miles in length and is currently an NCDOT maintained roadway. It is also known as State Route 3165. Sycamore Drive (SR 3165) veers off Sycamore Drive (SR 3171) and ends at Sweeten Creek Road.
- Peachtree Street is currently an NCDOT maintained roadway approximately .19 miles in length known as State Route 3174. It begins at Sycamore Drive and ends at Cedar Lane.

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- Cedar Lane is currently an NCDOT maintained roadway approximately .19 miles in length and is also known as State Route 3159. It begins at Linden Street and ends at Sweeten Creek Road.
- Sycamore Terrace is currently an NCDOT maintained roadway approximately .14 miles in length known as State Route 3175. It begins at Sycamore Drive and ends at Peachtree Street.
- Linden Street is currently a NCDOT maintained roadway approximately .15 miles in length and is also know as State Route 3205. It begins at Royal Pines Drive and ends at Sycamore Terrace.
- Another segment of Linden Street is also a NCDOT maintained roadway approximately .07 miles in length and is known as State Route 3172. It begins at Sycamore Terrace and Dead Ends at the southern section of the roadway.

Staff recommends that City Council adopt a resolution accepting Royal Pines Drive (SR 3162), Blake Drive (SR 3176), Sycamore Drive (SR 3171), Sycamore Drive (SR 3165), Peachtree Street (SR 3174), Cedar Lane (SR 3159), Sycamore Terrace (SR 3175), Linden Street (SR 3172), Linden Street (SR 3205), and Upper Sondley Drive.

RESOLUTION BOOK NO. 27 – PAGE 228

G. RESOLUTION NO. 02-135 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT OF TRANSPORTATION FOR IMPROVEMENTS RELATED TO THE CONSTRUCTION WIDENING OF BREVARD ROAD FROM NORTH OF THE BLUE RIDGE PARKWAY TO SARDIS ROAD

Summary: The consideration of a resolution authorizing the Mayor to sign a municipal agreement with the N. C. Dept. of Transportation (NCDOT) for improvements related to the construction widening of Brevard Road (NC-191), from just north of the Blue Ridge Parkway to Sardis Road (NC-112), in Buncombe County.

The NCDOT has prepared plans depicting the construction widening of Brevard Road from a two lane to a 4/5 lane road, within the limits outlined above. This proposed work is located almost in its entirety outside the City limits of Asheville and it is scheduled to be let this fall. As a result of this construction, an existing 6-inch water line will be replaced with a new 24-inch water line that will be installed within a utility easement adjacent to the edge of the road. Funds to cover the cost of water line replacement will be appropriated from the Water Enterprise Fund. No other municipal infrastructure is proposed to be constructed.

NCDOT has requested the City to execute this agreement as the first step for the final preparation of a utility agreement between NCDOT and the Regional Water Authority of Asheville, Buncombe and Henderson, for the costs associated with the replacement and upgrade of the existing water line.

This project is also identified as NCDOT No. U-3403 C in Buncombe County.

Staff recommends that City Council authorize the Mayor to sign the Municipal Agreement for improvements related to the construction widening of Brevard Road (NC-191), from just north of the Blue Ridge Parkway to Sardis Road (NC-112), in Buncombe County.

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H. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 10, 2002, TO CONSIDER AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH ELECTROLUX HOME PRODUCTS FOR AN ECONOMIC DEVELOPMENT INCENTIVE IN THE FORM OF AN EASEMENT ONTO CITY-OWNED PROPERTY FOR CONSTRUCTION OF RETENTION POND

I. RESOLUTION NO. 02-136 - RESOLUTION APPOINTING MEMBERS TO THE CITIZENS/POLICE ADVISORY COMMITTEE

Summary: The terms of John Ingersoll (North representative), Jimmy Hungerford (West representative), Lonnie Blair (East representative) and Betty Budd (South representative), as members on the Citizens/Police Advisory Committee, expired on June 30, 2002. In addition, there currently exists a vacancy for a Central representative.

On June 18, 2002, City Council instructed the City Clerk to prepare the proper paperwork to reappoint Mr. Hungerford (West representative) and Ms. Budd (South representative) to each serve an additional three-year term respectively, terms to expire June 30, 2005. Both appointments are until their successors have been appointed.

On August 20, 2002, City Council instructed the City Clerk to prepare the proper paperwork to appoint Tim Flora (North representative), John C. Robinson (East representative) and Ann Flynn (Central representative) to each serve a three-year term respectively, terms to expire June 30, 2005. All appointments are until their successors have been appointed.

RESOLUTION BOOK NO. 27 – PAGE 231

J. RESOLUTION NO. 02-137- RESOLUTION APPOINTING MEMBERS TO THE GREENWAY COMMISSION

Summary: Mr. Michael Kern and Ms. Elizabeth Budd have resigned as members of the Greenway Commission, thus leaving two unexpired terms – December 31, 2002, and December 31, 2003.

On August 20, 2002, it was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork (1) to appoint Mr. David Tuch to serve the unexpired term of Mr. Kern and then a full three year term, term to expire December 31, 2005; and (2) to appoint Ms. Susan Jackson to serve the unexpired term of Ms. Budd, term to expire December 31, 2003. Both appointments are until their successors have been appointed.

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K. RESOLUTION NO. 02-138 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Summary: The term of Chris Cavanaugh, as a member on the Tourism Development Authority, expires on August 30, 2002.

On August 20, 2002, it was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Mr. Cavanaugh to serve an additional three year term, term to expire August 30, 2005, or until his successor has been appointed.

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L. RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGE AND UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS AND FUN FESTIVAL ON SUNDAY, SEPTEMBER 1, 2002

This item was removed from the Consent Agenda to be voted on separately.

M. RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGE AND UNFORTIFIED WINE AT THE ANNUAL BREWGRASS FESTIVAL ON SATURDAY, SEPTEMBER 14, 2002

This item was removed from the Consent Agenda to be voted on separately.

N. RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGE AND UNFORTIFIED WINE AT THE ASHEVILLE AREA ARTS COUNCIL'S WALK INTO HISTORY EVENT ON SATURDAY, SEPTEMBER 28, 2002

This item was removed from the Consent Agenda to be voted on separately.

RESOLUTION BOOK NO. 27 – PAGE

Mayor Worley said that members of Council have been previously furnished with a copy of the resolutions and ordinances and the Consent Agenda and they would not be read.

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

ITEMS REMOVED FROM THE CONSENT AGENDA

RESOLUTION NO. 02-139 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGE AND UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS AND FUN FESTIVAL ON SUNDAY, SEPTEMBER 1, 2002

RESOLUTION NO. 02-140 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGE AND UNFORTIFIED WINE AT THE ANNUAL BREWGRASS FESTIVAL ON SATURDAY, SEPTEMBER 14, 2002

RESOLUTION NO. 02-141 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGE AND UNFORTIFIED WINE AT THE ASHEVILLE AREA ARTS COUNCIL'S WALK INTO HISTORY EVENT ON SATURDAY, SEPTEMBER 28, 2002

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Lexington Avenue Arts and Fun Festival, the Asheville Area Arts Council's Walk into History and the Annual Brewgrass Festival.

The below listed groups have requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at these events.

- The Lexington Avenue Arts and Fun Festival is a first year event. Its goal is to develop greater awareness for non-traditional art forms and to encourage people to shop and visit the stores opening on North Lexington.

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- The Asheville Area Arts Council's Walk into History is an event designed to showcase the Urban Trail and to bring Asheville's history alive with characters and performances at many of the stations.
- For several years, the Annual Brewgrass Festival has served as a unique celebration of the art of brewing beer in the spirit of Oktoberfest with a Smokey Mountain twist. The 6th Annual Brewgrass Festival has requested permission to allow possession and consumption of beer and wine during these events as they have been allowed in the past.

The Asheville Parks and Recreation Department is submitting these resolutions on behalf of the Asheville Area Arts Council, Brewgrass, and the Lexington Avenue Arts and Fun Festival.

Councilman Peterson moved for the adoption of Resolution Nos. 02-139, 02-140 and 02-141. This motion was seconded by Councilman Dunn and carried on a 5-1 vote, with Vice-Mayor Bellamy voting "no."

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RESOLUTION BOOK NO. 27 – PAGE 236

RESOLUTION BOOK NO. 27 – PAGE 237

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH A NEW NEIGHBORHOOD CORRIDOR DISTRICT

Per the discussion at the August 20, 2002, City Council worksession, Vice-Mayor Bellamy moved to continue the public hearing until October 8, 2002, with this matter coming before City Council at their worksession on October 1, 2002. This motion

was seconded by Councilman Dunn and carried unanimously.

B. PUBLIC HEARING TO CONSIDER REZONING PROPERTIES IDENTIFIED ON THE BROADWAY CORRIDOR

Per the discussion at the August 20, 2002, City Council worksession, Vice-Mayor Bellamy moved to table this rezoning request. This motion was seconded by Councilman Dunn and carried unanimously.

C. PUBLIC HEARING TO CONSIDER ADOPTION OF A SMALL AREA PLAN KNOWN AS THE BROADWAY CORRIDOR PLAN AS AN ADDENDUM TO THE ASHEVILLE CITY PLAN 2010

RESOLUTION NO. 02-142 - RESOLUTION ADOPTING A SMALL AREA PLAN KNOWN AS THE BROADWAY CORRIDOR PLAN AS AN ADDENDUM TO THE ASHEVILLE CITY PLAN 2010

Mayor Worley opened the public hearing at 5:17 p.m.

Chief Planner Gerald Green said that this is the consideration of a resolution adopting the Broadway Corridor Plan, which establishes goals and objectives for the redevelopment of the Broadway corridor from Woodfin/Hiwassee Streets to the US 19/23 intersection. This public hearing was advertised on August 16 and 23, 2002.

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Following the improvement of Broadway from US 19/23 to Chestnut Street, concern was expressed regarding the type of development that might occur along the corridor. In response to this concern, City Council rezoned most of the properties along the north end of the corridor from R-3 and CS to RS-8 and RM-8 to forestall inappropriate development. As part of the rezoning, Council directed staff to develop a corridor plan for the section of Broadway from Downtown to the US 19/23 intersection. Due to other priorities and limited staff, the planning effort did not begin until 1999. For the same reasons, the effort took longer than anticipated. The planning process involved the following basic steps:

- Formation of an advisory committee composed of neighborhood representatives, property owners, business owners, institutional representatives, and liaisons from City commissions and boards;
- Formation of a staff advisory committee to assure input from all affected City departments;
- Compilation of background information about Broadway;
- Community meetings to identify goals and objectives;
- Development of the draft corridor plan; and
- Presentation of the draft corridor plan to the public for review and comment.

The Broadway Corridor Plan provides a guide for the future development and redevelopment of the corridor, recognizing the need to protect adjacent neighborhoods and the development limitations imposed by topography and small lot size. Among the principles that guided the preparation of the corridor plan are:

- The need to promote the development of the Broadway (Reed Creek) Greenway;
- The need to improve the link between UNCA and Downtown;
- The need to improve the connections among the neighborhoods abutting Broadway, between the neighborhoods and Downtown, and between the neighborhoods and UNCA;
- The need to provide for multi-modal transportation;
- The promotion of neighborhood-friendly, pedestrian oriented development that serves the adjacent neighborhoods as well as passing motorists by providing a mix of uses including residential; and
- The need to recognize Broadway as an entrance to Downtown.

The draft Broadway Corridor Plan identifies action steps designed to guide the development and redevelopment of properties along the corridor in a manner consistent with the principles listed above. Action steps, identifying the time frame for implementation and the actors involved, address land use, future zoning, traffic circulation, Parks and Recreation activities, and economic development. By taking these steps, we can help assure a development/ redevelopment pattern along Broadway that adheres to the plan's guiding principles, provides opportunities for new and redeveloped businesses, provides opportunities for affordable housing, enhances adjacent neighborhoods, and promotes the Smart Growth principles adopted by City Council.

The Planning and Zoning Commission unanimously (5-0) recommended approval of the Broadway Corridor Plan. Staff also recommends adoption of the corridor plan.

Mr. Green then recognized the Advisory Committee members. The Broadway Corridor Action Plan major issues include transportation, parking, parks/greenway, land use, streetscape, safety/crime and general issues.

Transportation issues consisted of flow of traffic from Broadway to Lexington, impact of Broadway traffic on adjacent neighborhoods (cut-through traffic), intersection of I-240 and Broadway, transition from Lexington Avenue to Broadway at the I-240 interchange, redesign of I-

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240 interchanges (need input from the NC Dept. of Transportation), left turns onto Broadway from neighborhood streets are difficult, traffic speed, plan for traffic signals, explore design features to reduce traffic speed, and pedestrian issues. Pedestrian issues include safe pedestrian crossings along Broadway, pedestrian crossing at Weaver Boulevard, sidewalk conditions and connections.

Parking issues include the desire for on-street parking on Broadway from Chestnut south, opportunities for shared off-street parking, and cooperative efforts between City and landowners to address parking.

Parks and Greenway issues include the status of Broadway greenway/funding for greenway construction, review of greenway connection from Chestnut to downtown, potential for small parks and green spaces in corridor and status of connection with Weaver greenway.

Land use issues include land uses which link UNC-Asheville, downtown, businesses, and neighborhoods; compatibility with existing land uses; development should be in harmony with existing development and proposed development; land use review must look at entire corridor; vacant land between downtown and Chestnut Street key to future of corridor; pedestrian scale vs. automobile scale; mixed use development; business opportunities; and identify appropriate zoning of properties on edge of corridor.

Streetscape issues include the reinforcement linkage between areas, create pleasant environment for all users, enhance business environment and entranceway (neighborhood and downtown) corridor.

Safety/crime issues include speeding, vagrants, prostitution, graffiti and trash.

Mr. Green outlined the land use issues: concerns about the quality of new development, both residential and non-residential; need for neighborhood retail services to support the area's residential neighborhoods; concerns about used car lots, small strip retail and commercial franchises; protection and preservation of surrounding neighborhoods, such as Hillside/Mt. Clare and Montford; and reuse of vacant buildings between Chestnut Street and I-240. Land use opportunities include: properties available for new development throughout the corridor, vacant residential and commercial buildings throughout the corridor, mixed use development as a transition between commercial downtown and residential neighborhoods, second-story residences promote security and safety in evening hours, and adjacent residential neighborhoods provide substantial customer base.

Traffic and pedestrian circulation issues include: limited pedestrian amenities (crosswalks, sidewalks, lighting, medians); limited ADA standard sidewalks; poor sidewalk maintenance; poor vehicular traffic flow at Broadway/Merrimon/I-240 and Five Points intersections; width of lanes do not provide for safe U-turn opportunities; lack of transit service; and lack of designated bike lanes. Opportunities include: potential for transit service to link with Broadway, corridor is a major connector between downtown and UNC-Asheville, greenway from downtown to the French Broad River, potential for enhanced pedestrian/bicycle use, and serve as gateway to downtown.

Park and recreation issues include: safety hazards for pedestrians using inadequate sidewalk system, North Asheville residents in need of parks and recreation areas, and City of Asheville in need of a continuous greenway system. Opportunities include: finished greenway will be a model project for other greenways; will be one of the first sections of the "emerald necklace" encircling downtown; and increase adjacent property values, tourist revenues, and cost savings for public services.

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Upon inquiry of Councilman Dunn, Mr. Green said that this plan lays out actions and activities as a general guidance tool only. Mr. Green said that there are no plans at this time for any type of development on the City-owned properties.

When Councilman Mumpower asked about the traffic circle at Chestnut Street, Mr. Green said that a great deal of study is still needed and again, this is only a general plan.

Upon inquiry of Councilman Dunn, Mr. Green explained what is meant by a greenway, noting that it is not limited to natural areas. He pointed out that the Urban Trail is a greenway and it's all concrete.

Councilman Mumpower asked if there have been any concerns raised over the Plan. Mr. Green said that greenway development has raised concern. He said that there seems to be the perception that the entire side of the street, and in some cases both sides of Broadway, from Five Points north should remain undeveloped because that is the greenway. That is misconstruing the point of the greenway and also the fact that the decision was made by prior Council's that the east side of the corridor from Five Points north would not be a part of the greenway – but that it would be developed according to the Plan that would be approved at some future date.

Mr. Green responded to concerns from Councilman Peterson regarding existing residential property. Mr. Green said it was made clear during the process that the residential properties back one or two lots off of Broadway should not be mixed uses. He said this is a general plan and staff did not go in and define on the general land use plan at this scale each individual property. The text of the plan and the direction provided to staff by the Advisory Committee was that commercial access onto residential streets should not be permitted and that any future zoning should be limited to those properties that abut Broadway and do not go back into the neighborhood.

Mr. Theo Hartman, resident on Woodrow Avenue, hoped that the wooded area near Highland Park and UNC-Asheville would remain the same.

A resident on Catawba Street proposed two different zonings – one south of Five Points and then one north of Five Points. She felt to make it all mixed use would be micro-sprawl.

Mr. David Hill, representing Community Corridors LLC, said that there have been a series of weekly meetings with neighborhood groups, City staff, and the Concerned Residents of Broadway Neighborhoods to review the three City Council actions proposed regarding Broadway. As their first joint action of working together, Ms. Veronica Gunter, representing Concerned Residents of Broadway Neighborhoods, said that (1) as residents and development interest, they support the adoption of a small area plan for Broadway. Individuals will express opinions on details within the Plan and they support hearing all opinions. They feel that redevelopment of existing commercial areas from Five Points south is needed along the Broadway Corridor, positively shaped by staff work and Council action and the timely input of their group and the public. They support the adopted Greenway Plan for Reed Creek, which runs parallel to Broadway, and the Reed Creek Greenway's possible extension south of Chestnut. They are currently in discussion about the past, present and future character of Broadway north of Five Points; (2) like City staff, they want Broadway's issues addressed in a timely fashion. They have a schedule of weekly meetings with representatives of each group and City staff and Council members – meetings which have already begun and they will work to resolve differences in our visions for Broadway as they relate to pending Council actions; and (3) They encourage active review and participation by all City Council, either through attendance at the meetings or via one-on-one input with City staff or their group.

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Mr. Bob Lawrence, business owner on Broadway, said that it concerns him that the Plan includes traffic circles. If felt that a traffic circle is on East Chestnut and Broadway or Broadway and Monroe, emergency vehicles will not be able to get through. He did not want Broadway to turn into a Merrimon Avenue or a Patton Avenue.

Mr. Tom Byers, Executive Assistant to the Chancellor at UNC-Asheville, spoke in support of the Small Area Plan and said that the Plan is consistent with the hopes of the University.

Ms. Betty Lawrence, representing the Broadway Improvement Project, said that Broadway was a major transportation corridor in the 19th Century but has not been since then. South of Chestnut going into downtown has been a business corridor, but North of Chestnut, the land use has been predominately residential. She felt the zoning needs to be appropriate for each area. They don't believe that there is a traffic problem at Five Points. She felt it the Plan should be more explicit that we want to encourage transit on this Corridor. As far as the greenway, there has been talk about having a medicinal herb garden to show that part of the heritage in Penick Park and there is a lot of potential for an inter-rural trail in that Park. Broadway is not an existing commercial corridor, as can be seen by the Montford neighborhood and the Hillside/Mt. Clare neighborhood. There is a lot of investment in the old buildings in the neighborhoods and wonderful potential for affordable housing. She felt that since there is vacant, retail and office space in downtown that there is no rush into making too much more. We need to concentrate our efforts between I-240 north to Chestnut Street so that we can all work together to get this new and important mixed-use development to work. As far as the lanes between Chestnut Street and I-240, they would prefer one of the travel lanes be deleted.

Mr. Scott Osborne felt that Broadway is a good gateway into the City.

Mr. Jerry Sternberg, partner in Highland Park LLC, said that they have a concern with any effort to narrow any part of Broadway. In addition, they were opposed to forcing property owners to build buildings fronting on Broadway with the parking in

back and windows in those buildings. They feel drive-throughs should be allowed to be built in the new zoning district. They also have an issue with a greenway going through Highland Park. He understood that this Plan is a conceptual blueprint of things they would like to do in this Corridor and if that is the case, many things are still on the table. Therefore, he asked that the Plan be amended to permit a grocery store, with a large footprint of approximately 45-50,000 square feet, to serve this area or a hotel with approximately 6-8 stories, in the northernmost section of the Broadway Corridor, which primarily starts at Catawba Street and includes the properties of UNC-Asheville and Highland Park.

Mayor Worley closed the public hearing at 6:29 p.m.

Mr. Green responded to Mr. Sternberg in that UNC-Asheville and Highland Park are zoned Institutional now and there is no proposal to change that zoning. Institutional does permit hotels up to 6-8 stories, but no grocery stores. He has heard comments and there are references in the Plan about the need for a grocery store in that area and that issue can be addressed when the zoning for the Broadway Corridor is discussed.

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

Councilwoman Jones, and other members of Council, expressed gratitude to the Concerned Residents of Broadway Neighborhood and Community Corridors LLC. She felt it was

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exemplary what has been accomplished and it took a lot of openness, time, energy and patience for them to make a commitment to the true community.

Councilman Mumpower moved for the adoption of Resolution No. 02-142. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

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IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

VI. OTHER BUSINESS:

Claims

The following claims were received by the City of Asheville during the period of August 9-22, 2002: William Baker (Streets), Robert Carnahan (Water), Karen Harris (Streets), Jerry Perkins (Streets), Kathy Whatley (Streets) and Jay Shelton (Streets).

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

Lawsuit

The City was served with a Verified Petition for Review and Appeal on June 27, 2002, by Stephen and Michelle Arnold, etc. The nature of the proceeding is to declare the annexation ordinance for the Huntington Chase Annexation Area to be null and void, or, in the alternative, remand the ordinance for amendment of the boundaries. City Attorney Bob Oast will handle this matter, with the involvement of Bill Slawter.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Upon inquiry of Councilman Mumpower about downtown issues, City Manager Westbrook said that some issues would be forthcoming to Council in the near future.

Vice-Mayor Bellamy thanked everyone involved in the successful Goombay Festival.

Ms. Lola LaFey, resident on London Road, thanked City Council for taking the time out to honor Our Next Generation

Youth Build.

Mr. Mickey Mahaffey stressed that any proposals regarding the water agreement renegotiations should require full discussion of Council with public comment.

VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at 6:47 p.m.

CITY CLERK

MAYOR