

((1))

Tuesday - March 5, 1991 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate

City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ellison arriving at the meeting at 4:20 PM

INVOCATION

The invocation was given by Councilman Bratton.

APPROVAL OF MINUTES

Mayor Michalove said approval of the minutes of the February 26, 1991 meeting is being withheld until the March 19, 1991 meeting.

I. PROCLAMATIONS:

A. Proclamation - "Women's History Month" - March, 1991.

Mayor Michalove proclaimed the month of March, 1991 as "Women's History Month" at the request of Kathleen Balogh, Director of Community Services, with the YWCA.

B. Proclamation - "Hi-Neighbor Volleyball Week" -

March 12 - 17, 1991.

Mayor Michalove proclaimed the week of March 12 - 17, 1991 as "Hi-Neighbor Volleyball Week" and presented the proclamation to Donny Luke with the Asheville Volleyball Club.

C. Proclamation - "Red Cross Month" - March, 1991.

Mayor Michalove proclaimed the month of March, 1991 as "Red Cross Month" and presented the proclamation to Susan Ward with the American Red Cross.

D. Proclamation - "Employ the Older Worker Week" -

March 10 - 16, 1991

Mayor Michalove proclaimed the week of March 10 - 16,

1991 as "Employ The Older Worker Week" at the request of James A. McMahan, Manager of Employment Security Commission of North Carolina.

II. PUBLIC HEARINGS:

A. Public hearing relative to Ingles Market on corner of Haywood Road and S. Louisiana Avenue.

Mayor Michalove opened the public hearing at 4:08 PM

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the affidavit of publication.

Don Sherrill, Urban Planner, said Mr. Gordon S. Myers,

agent for Ingles Markets, Inc. is requesting approval to construct a 32,000 square foot grocery store at the intersection of Haywood Road and Louisiana Avenue. The plan submitted meets the requirements of the City's development standards. Water, sewer and fire protection services are available. Access will be from Haywood Road and Louisiana Avenue. A 12 foot landscaping buffer with an eight (8) foot fence and additional evergreen plantings will be used to screen the project from

adjacent residentially zoned properties.

He said upon reviewing the site plan and hearing the

comments of planning staff, the developer and the public, the Planning and Zoning Commission voted to recommend approval of the request with one (1)

contingency:

1. NCDOT and City approval of driveway entrances

Mayor Michalove closed the public hearing at 4:15 PM

Councilman Price moved for the approval of the group

development plan for the Ingles Market at the corner of Haywood Road and S. Louisiana Avenue subject to the contingency outlined by the Planning and Zoning Commission. This motion was seconded by Vice-Mayor Moore and carried unanimously.

B. Public hearing relative to rezoning property on Deaverview Road.

Ordinance No. 1898 - An ordinance amending zoning of

property located at 482 Deaverview Road (Petition of Robert M. Ward)

Mayor Michalove opened the public hearing at 4:16 PM

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the affidavit of publication.

The City Attorney said two petitions were received

regarding this rezoning request - one in favor of the rezoning with approximately 140 names and one in opposition to the rezoning. He said after investigating the protest petition it was determined that none of the individuals signing the protest petition owned property adjacent to the property requested to be rezoned; therefore, it is **not** a valid protest petition.

Carol Alberice, Urban Planner II, said two individual

tax lots are the subject of a rezoning request from R-3 to Commercial General. Lot 96 is within the Asheville City limits and Lot 32 lies outside the City limits but within the City's one mile extraterritorial jurisdiction. On Lot 96 sits a nonconforming grandfathered Commercial use (grocery/convenience store). Petitioner is requesting that the lots be zoned to allow the grocer to continue as conforming use. Development across the street in the County is commercial general in nature (ice service store, laundry). Staff and Planning Commission are supportive of this intersection becoming a commercial general area.

Councilman Ellison arrived at the meeting at 4:20 p.m.

Ms. Alberice said 140 individuals expressed support of

the rezoning and 13 individuals expressed opposition.

Several Council members expressed concern that this

rezoning is not in keeping with the 2010 Comprehensive Plan and questioned whether changes should be made before the Unified Development Ordinance is reviewed and adopted.

Councilman Price noted that this particular area is

currently used for commercial establishments.

Councilman Estes said the commercial use in this area is

a very needed use for the neighborhood.

Bobby Ward, petitioner, said he has a lease/option on

the property. He said the grocery/convenience store has been in the same area for a number of years and is needed for the elderly in the area. He said the current structure is an eyesore and he plans on building a new building without changing the character of the neighborhood.

Freddie Tallent, 54 Pisgah Road, spoke in support of the

rezoning.

Mayor Michalove closed the public hearing at 4:47 PM

Mayor Michalove said members of Council were previously

furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of Ordinance No.

1898. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1898 passed on first reading.

C. Public hearing relative to Haw Creek Mews Apartments.

Mayor Michalove opened the public hearing at 4:50 PM

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the affidavit of publication.

Mayor Michalove outlined the process to be used for the

public hearing. He said Council would hear a report from the Planning Department then the Developer. He said comments would then be taken from the public - giving the main spokesman five minutes and others who wish to address Council three minutes. He asked that statements not be repeated.

Don Sherrill, Urban Planner, said Ben and Britt Simon,

with Sicash Builders of Virginia Beach, Virginia, are requesting approval to construct a 294 unit apartment complex. The proposed site is an 18.38 acre parcel off Beverly Road and Haw Creek Road. The primary access will be from Beverly Road. The proposed density is 16 units per acre, the maximum allowed within the R-3 Medium Density Residential Zoning District. A 20 foot wide landscape buffer is proposed along all property

lines, except along the street frontage.

Mr. Sherrill said water, sewer and fire protection

services are available. He said parking required would be 588 spaces and the parking proposed is 600 spaces with 12 handicapped spaces required. He said a letter has been received from NCDOT giving preliminary approval

of access into Haw Creek Road.

Mr. Sherrill said upon reviewing the site plan and

hearing comments from the planning staff, the developer's attorney and the public, the Planning and Zoning Commission voted to recommend approval of the

project with three (3) contingencies.

1. Submit and receive approval of engineered

drawings from appropriate City staff, the Metropolitan Sewerage District (MSD), and the North Carolina Department of Transportation (NCDOT) prior to issuance of any required permits. The final approved plans shall meet all City, State and Federal regulations.

2. The developer shall meet and adhere to the

conditions set forth in Michael Brookshire's January 22, 1991 letter regarding the construction and land disturbance

activity within the easement for the thirty-six (36) inch waterline that crosses the property.

3. No three (3) story buildings shall be

constructed adjacent to any property line.

Mr. Sherrill said the conditions outlined in Michael

Brookshire's letter are: 1) Preparation, by a registered professional engineer, of a report on the impact of the proposed construction activity to the existing 36 inch waterline. Said report to be specific and must include but not be limited, to the following: (a) accurate existing and finish grade profile over waterline (b) load bearing capacity of waterline (c) recommended minimum and maximum cover over waterline (d) analysis of load on waterline due to construction activity (e) recommended protection measures; 2) a representative of the firm that prepares the engineering report must be on-site anytime construction activity is occurring within the 36-inch waterline easement; 3) utility contractor will be required to post a \$50,000 performance bond payable to the City of Asheville.

He said at the request of the neighbors of Haw Creek,

the Public Works Department conducted traffic counts and has determined that the road capacity of Beverly Road is 8,000 cars per day and that the projected flow of traffic after the project is built is about 4,800 cars per day.

He said the project is proposed for construction in

the floodway/floodplain areas and according to the plans the project meets all requirements for construction in these areas.

He said the 2010 Comprehensive Plan provides for this

property to be residential.

Mr. Sherrill answered general questions from members

of Council relative to water and sewer lines in the area.

At the request of the Mayor, the City Attorney said

guidelines for approval of group development projects are specific in the Zoning Ordinance. He said Council can not impose new standards or change density requirements on a project under consideration. He said basically, if the project meets all requirements Council must approve the project.

Louis Bisette, Attorney for the petitioner, said

Marvin Simon, Developer, is a native of Asheville and

has spent his life developing a reputation as one of the most reputable developers in the Southeast. He said he was a little upset with the tone this project has taken on in the last several weeks. He said it was a little frightening to watch a few of the opponents of this project launch a campaign of misinformation and character assassination. He said the use of land should be regulated by laws and not emotions.

Mr. Bisette said the developer would be investing 12

million dollars in Asheville which would be added to the tax base. He said the infrastructure fees would be about \$200,000, \$175,000 going to MSD for the tap on fee.

He said the project has received approval from all

city departments and all agencies, including the Floodway Plan Agency with the TVA. He said the developer has invested time, efforts, and money into this project and has made every effort to work with the neighborhood residents.

He said the entrance on Beverly Road is only 2/10

mile from Tunnel Road, therefore, there will not be a lot of traffic into Haw Creek.

He said Asheville has not had multi-unit apartments

built in two years or more and there is a need for the apartments.

He respectfully requested that Council uphold the

laws and the economy of the City of Asheville. He said as a gesture of good will the developers are willing to reduce the number of units to 260 units, although they are not legally required to do so.

Mr. Bisette said the residents expressed concerns

over the overcrowding of the schools. He said that issue is irrelevant as far as this project is concerned since the Buncombe County School Board is required to provide an education for all residents. He said the Buncombe County School Board has new long range plans to expand the schools in this area.

Councilman Price said she would like to protect the

buffer around the single family dwellings.

Larry New, with Vaughn and Melton Engineers, said the

water run off has to be reviewed by the Erosion Control staff and must meet all requirements of the Erosion Control Ordinance. He said the Erosion Control Ordinance will protect the residents in the area.

Councilman Ellison asked if the developer would

reduce the units to 244 units.

At the request of Mr. Bisette, Mayor Michalove

called for a 15 minute recess at 6:05 PM

Council reconvened at 6:15 PM

Mr. Bisette said his clients are willing to reduce

the number of units to 250 units provided they did not have to go back through the group development process - or go through another public hearing - by amending the site plan.

The City Attorney said the Planning Director could be

given guidelines to follow in approving the final site plan with the reduced density.

At the request of Councilman Ellison, Mr. Bisette

said the developer would consider removing the buildings and entrance on New Haw Creek Road but would not commit to doing so at this time.

Barbara Melton, 15 Melton Drive, Board of Directors

of the Haw Creek Homeowners' Association, said the main objection the residents have with the project and the zoning in the area is that the density level is too high. She also spoke relative to the overcrowding of the schools. She said a particular city staff should be responsible for the storm water runoff. She also asked that all ordinances be strictly enforced. She said Council should address the residential area in Haw Creek and rezone the property in order not to allow such high density requirements.

Ms. Melton said she would be in favor of forming a

committee with the homeowners', the developer, and the city staff during construction of this project.

Wayne Hinson, 17 Pine Spring Drive, spoke in

opposition to the project. He addressed the creditability of the developer. He said it was his understanding that the original buffering requirement would be 30' and now it is 20'. He said he would like to see the buffering be at 30'.

Paul Miller, 8 Pine Spring Drive, asked what

guarantees the residents have that the City staff will follow the guidelines outlined by Council. Mayor Michalove responded that the motion for approval would be specifically written.

Mike Braun, 12 Munn Drive, asked Council to look at

changing the density requirements in Haw Creek to the R-2 density requirements.

Pat Thompson, 21 Dogwood Grove, said she is still

concerned about the exit onto New Haw Creek Road. She also asked that Council do something about the zoning in Haw Creek in order to reduce the density requirements.

C. A. Noblett, 15 McIntosh Road, spoke in opposition

to the project. He said everything the developers had told the residents in the area was not true.

Mrs. C. A. Noblett, 15 McIntosh Road, spoke in

opposition to the project. She said Haw Creek has had a flood problem for fourteen years. She also spoke relative to the inaccuracies in the Environmental Impact Statement.

Tom Gardner, 46 Macon Avenue, spoke in favor of the

proposed project.

Bob Jolly, resident of Haw Creek, spoke in opposition

to the project.

Robert K. Miller, Pine Spring Drive, spoke in

opposition stating that the apartment project would ruin a quiet neighborhood.

Bruce Goforth, 1 Cedaridge Drive, from the Buncombe

County Board of Education, said Haw Creek School is

currently beyond capacity and Council needs to address this situation.

Roy Blizzard, employee of the Buncombe County Board

of Education, also spoke relative to the overcrowded schools. He said the long range plans for expansion are only preliminary and there are presently no funds available for the expansion. He said a resolution would be proposed to the Buncombe County Board of Education on Thursday night requesting that the Asheville City Council consider the capacity of schools when considering group developments.

Nancy Hyatt, 37 McIntosh Road, also spoke relative to

the density requirements in the area being too high.

Pat Skaskowi, with the Kenilworth Residents

Association, questioned the need for the apartments in this area. She requested that Council not approve the project.

Debra Braun, 12 Munn Drive, said she has a problem

with the zoning the community.

Mr. Bissette said he agreed that some zoning changes

were needed in the City, but Council needs to set the rules and go by them so developers will know the rules and laws.

Mayor Michalove closed the public hearing at 7:27

p.m.

Vice-Mayor Moore moved that the site plan be approved

subject to the following conditions:

1. Subject to the three contingencies listed by the

Planning and Zoning Commission.

2. Subject to a reduction in the number of rental

units from 294 to 250, with the final site plan approval for the group development with the reduced density to be made by the Planning Director, subject to the following:

a) That no additional buildings be placed in the

flood hazard area.

b) That no building or parking area be located

closer to the property lines than as submitted to the City Council on March 5, 1991.

c) That the entrance locations not be relocated;

provided, however, this condition shall not prohibit the developer from eliminating the new Haw Creek Road entrance.

d) That the buffer areas and the easement for the 36

inch water line be preserved without any encroachment.

e) That the developer work with a committee during

the construction of the project, with the committee to be composed of 5 members to include 1 representative from the developer, 1 representative from the City Planning Staff and 3 representatives from the Haw Creek Homeowners' Association.

This motion was seconded by Councilman Bratton and carried unanimously.

Ben Simon thanked members of Council for their efforts and said he looked forward to working with the City and the neighborhood on this project.

III. OLD BUSINESS:

A. Ordinance No. 1894 - Third reading of an ordinance

rezoning property located at 23 and 17 Eloise Street and 136 Merrimon Avenue - Petitioners - Deal Buick.

Mayor Michalove said the Asheville Planning

and Zoning Commission on January 9, 1991, reviewed and recommended approval of rezoning Ward 2, Sheet 5, Lots 56, 57, and a portion of 64 from R-3 Residential District to CH Commercial Highway District. This ordinance was read on first reading on February 19, 1991 and on second reading on February 26, 1991.

Mayor Michalove said the ordinance was previously read on first and second readings and would not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1894 passed on third and final reading.

Ordinance Book No. 12 - Page 316

B. Ordinance No. 1896 - Third reading of an ordinance

relative to amending Ordinance No. 1172, the Flood Plain Regulations of the City of Asheville.

Mayor Michalove said the Federal Emergency Management

Agency and the State Emergency Management Agency are requiring certain amendments to the City's ordinance to bring it into compliance with federal and state guidelines. This ordinance was read on first reading on February 19, 1991 and on second reading on February 26, 1991.

Mayor Michalove said the ordinance was previously read on first and second readings and would not be reread in

its entirety.

On a roll call vote of 7-0, Ordinance No. 1896 passed on third and final reading.

Ordinance Book No. 12 - Page 331

C. Ordinance No. 1897 - Second reading of an ordinance

amending Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances establishing speed limit changes on Hendersonville Road (US 25).

Mayor Michalove said this action will establish a 45

mph speed limit on US 25, between Rock Hill Road and Royal Pines Drive, and a 25 mph speed limit, between Ridgefield Road and the Blue Ridge Parkway, during designated school hours.

Mayor Michalove said the ordinance was previously read on first reading and would not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1897 passed on second reading.

Councilman Ellison moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1896. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1897 passed on third and final reading.

Ordinance Book No. 12 - Page 332 - 333

IV. NEW BUSINESS:

A. Resolution No. 91-23 - Resolution approving the report

for the extension of major municipal services into an area known as Haw Creek II.

Mayor Michalove said the N. C. Gen. Stat. sec. 160A-49

requires the City to approve the report extending City services to the proposed annexation area at least thirty (30) days prior to the public hearing. The public hearing is scheduled for April 9, 1991.

Patty Tallerday, Senior Planner, presented and

highlighted the plans for the extension of municipal services into the Haw Creek II area. By the use of a map, she outlined the boundaries proposed to the annexed.

Mayor Michalove requested that Ms. Tallerday arrange a

meeting with the Haw Creek Homeowners' Association to present the annexation plans prior to the public hearing on

April 9, 1991.

Mayor Michalove said copies of the resolution had

previously been distributed to members of Council, and the resolution would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, Resolution No. 91-23 was unanimously adopted.

Resolution Book No. 18, Page 345

B. Resolution No. 91-24 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville an engineering services agreement and any amendments thereto with Thompson-Gordon-Shook Engineers for

engineering services for the Streets and Sidewalks

Improvements Program.

The City Manager said this engineering contract in the

amount of \$339,781 will provide for the construction specifications and drawings to rehabilitate various streets within the City of Asheville. In 1985 the citizens of Asheville passed a Bond Referendum which provided funding for Street and Sidewalk Rehabilitation

Program.

Mayor Michalove said copies of the resolution had

previously been distributed to members of Council, and

the resolution would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, Resolution No. 91-24 was unanimously adopted.

Resolution Book No. 18, Page 346

C. Resolution No. 91-25 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville an engineering services agreement and any amendments thereto with McGill and Associates for engineering services for the Streets and Sidewalks Improvement

Program.

The City Manager said this engineering contract in the

amount of \$246,540 will provide for the construction specifications and drawings to rehabilitate various streets within the City of Asheville. In 1985 the citizens of Asheville passed a Bond Referendum which provided funding for Street and Sidewalk Rehabilitation

Program.

Mayor Michalove said copies of the resolution had previously been distributed to members of Council, and the resolution would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman Price, Resolution No. 91-25 was unanimously adopted.

Resolution Book No. 18, Page 347

D. Resolution No. 91-26 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville an engineering services agreement and any amendments thereto with Vaughn and Melton Engineers-Architects for engineering services for the Streets and Sidewalks

Improvements Program.

The City Manager said this engineering contract in the

amount of \$376,080 will provide for the construction specifications and drawings to rehabilitate various streets within the City of Asheville. In 1985 the citizens of Asheville passed a Bond Referendum which provided funding for Street and Sidewalk Rehabilitation

Program.

Mayor Michalove said copies of the resolution had previously been distributed to members of Council, and the resolution would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman Price, Resolution No. 91-26 was unanimously adopted.

Resolution Book No. 18, Page 348

E. Ordinance No. 1899 - Ordinance amending Chapter 17A

(Massage Parlors and Health Studios) of the Code of Ordinances of the City of Asheville.

The City Manager said Section 17A-16 of the Code of

Ordinances of the City of Asheville requires any person seeking to engage in the trade or profession of masseur or masseuse in the City of Asheville to first submit a \$1,000 bond payable to the City before a license to engage in such profession is issued. This ordinance amendment would allow any person desiring to engage in the trade or profession to maintain liability insurance as an alternative to posting the bond. He said the massage therapists in Asheville have requested other amendments to the ordinance and these changes are currently being studied by the city staff and will be brought before Council at a later date.

Mayor Michalove said the ordinance was previously presented to members of Council and it will not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1899 passed on first reading.

Councilman Ellison moved to suspend the rules and

proceed to the second reading of Ordinance No. 1899. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1899 passed on second reading.

Councilman Ellison moved to suspend the rules and

proceed to the third reading of Ordinance No. 1899. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1899 passed on third and final reading.

Ordinance Book No. 12 - Page 335

F. Ordinance No. 1900 - Budget ordinance amendment

appropriating funds for the Sister City Program

The City Manager said on July 24, 1990, the Asheville

City Council voted to assume financial responsibility for the three governmental delegates from Vladikavkaz, USSR. As a part of the official pairing of Asheville and Vladikavkaz, these Ossetian visitors will be in Asheville to sign the Sister City declaration and meet with City officials.

Mayor Michalove said members of Council were previously furnished copies of the ordinance and it will not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1900 passed on first and final reading.

Ordinance Book No. 12 - Page 336

G. Ordinance No. 1901 - Budget amendment to appropriate

funds for South Pack Square Redevelopment - Phase I.

The City Manager said this budget amendment will provide

funds for the development of a master plan (Redevelopment Plan) for the South Pack Square area. The plan will be developed by the YMI Cultural Center in cooperation with the South Pack Square Improvement Association and the City of Asheville.

Mayor Michalove said members of Council were previously

furnished copies of the ordinance and it will not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1901 passed on first and final reading.

Ordinance Book No. 12 - Page 337

H. Report relative to Adopt-A-Street Program

Jim Ewing, Director of Public Works said the Public

Works Department has been working with Quality Forward to come up with regulations for "Adopt-A-Street" Program. He said members of Council were furnished the proposal to set up the Adopt-A-Street Program and the guidelines to follow during the program.

Council requested information on the number of signs that would be required, the impact they would have on the sign ordinance and the cost involved.

Janie Wilson, with Quality Forward, endorsed the program and invited members of Council to a Kick-Off Clean Up on April 3 from 10 am to 1 pm.

After discussion, Vice-Mayor Moore moved to endorse the concept of the Adopt-A-Street Program. This motion was seconded by Councilman Bratton and carried unanimously.

V. CONSENT:

A. Resolution No. 91-27 - Resolution authorizing the City

Manager of the City of Asheville to make application for a North Carolina Humanities Council grant for the research portion of an Urban Trail Project.

SUMMARY: The grant is submitted for the purpose of

researching Asheville History in order to decide which information to put on the trail; to document information; to produce oral history project for community involvement.

Resolution Book No. 18 - Page 349

B. Resolution No. 91-28 - Resolution authorizing the City

Manager of the City of Asheville to make application for

and enter into an agreement with the National Park Service for land and Water Conservation Funds for the development of a River Park on the French Broad River.

SUMMARY: The City of Asheville has long been interested

in the possibility of a park on the French Broad River. This was supported by a number of studies, including the 2010 Plan. The most feasible location for a park area along the French Broad River appears to be property which presently belongs to Carolina Power and Light Company on the west bank of the river. After a number of meetings with CP&L personnel over several years, CP&L has now agreed to donate a portion of their property for park purposes. This application would request up to \$75,000 from the Land and Water Conservation Fund for the purposes of developing a portion of the CP&L property as a public park.

Resolution Book No. 18 - Page 350-351

C. Resolution No. 91-29 - Resolution authorizing the City

Manager of the City of Asheville to make application for and enter into an agreement with the Land of the Sky Regional Council for Senior Citizen Grant Funds.

SUMMARY: The N. C. Department of Human Resources,

Division of Aging, has a program whereby grants are available through the Land of Sky Regional Council for providing resources for outreach services for senior citizen centers and for senior center rehabilitation. The City of Asheville has determined that these funds would enhance the senior citizen programs for the citizens of Asheville as well as improve existing facilities now offered for senior citizens. The amount available through this grant is \$15,000 for outreach services and \$10,000 for rehabilitation . This resolution would authorize the City Manager to make application for these funds and enter into an agreement with the Land of Sky Regional Council for the administration of this project.

Resolution Book No. 18 - Page 352

D. Resolution No. 91-30 - Resolution authorizing submission of an amended Statement of Community Development

Objectives and Projected Use of Funds.

SUMMARY: The resolution will authorize submission of an

amended Statement of Objectives to HUD for the allocation of contingency funds in the amount of \$25,000 for the South Pack Square Redevelopment - Phase I project.

Resolution Book No. 18 - Page 353-354

E. Resolution No. 91-31 - Resolution changing the name of the Minority Business Committee to the Minority Business Commission.

SUMMARY: The Minority Business Committee was

established by City Council with adoption of Resolution No. 90-97 on July 17, 1990. The Committee feels the original recommendation of the Task Force which developed the Minority Business Committee should be followed and the name be changed to Minority Business Commission to more accurately reflect its responsibilities.

Resolution Book No. 18 - Page 355

F. Resolution No. 91-32 - Resolution of intent to close an

unnamed alley off Oaklawn Avenue and calling a public hearing on the question for April 9, 1991.

SUMMARY: A petition to close an unnamed alley off

Oaklawn Avenue has been received from Grace Episcopal Church. The unnamed alley is adjoined by property in the ownership of Grace Episcopal Church and no other property owners are involved. Utility companies have been contacted to provide utility easement needs.

Resolution Book No. 18 - Page 356-357

G. Resolution No. 91-33 - Resolution of intent to close

Dixon Alley between Velvet and Beaumont Street and an unnamed alleyway running north of Beaumont Street and calling a public hearing on the question for April 9, 1991.

SUMMARY: A petition has been received from the

Asheville Housing Authority to close Dixon Alley between Beaumont Street and Velvet Street and an unnamed alley off Beaumont Street. The petitioned streets are in the area of the new proposed Public Works Complex and are not currently open for use.

Resolution Book No. 18 - Page 358-359

Upon motion of Vice-Mayor Moore, seconded by Councilman

Frank, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

A. ABC Permits

The City Manager presented the following ABC Permits

1. Big Apple Restaurant - 293 Swannanoa River Road

(On Premise/Beer Beverage Permit)

A. Inspections Division - Building, Electrical and Plumbing Code Violations as follows:

Electrical

(1) Correctly wire open splice on side of building at outside entrance to stockroom; (2) Correctly fuse all disconnects and panel boards; (3) Re-clamp flood lights on right side of building; (4) Correctly wire overhead fixture in stockroom; (5) Install outlet plate on freezer outlet in stockroom; (6) Correctly wire upper lefthand disconnect; (7) Correctly strap EMT to dining AC unit; (8) Correctly wire right freezer in stockroom; (9) Correctly wire open wiring on right side of stockroom; and (10) Correctly wire outside sign.

Building - No cooking to be done creating grease laden vapors (frying, broiling, or grilling) until hood system meets requirements of fire prevention and heating code of N. C.

Plumbing - Plumbing does not meet current code; however, structure is preexistent and nonconforming.

Councilman Bratton moved to disapprove the ABC Permit for Big

Apple Restaurant until all code violations are corrected. This motion was seconded by Councilman Ellison and carried unanimously.

2. Cizzles - 116 Sweeten Creek Road (On Premise/Beer & Wine Permit)

A. Inspections Division - Building and Electrical Code Violations as follows:

Electrical:

(1) Correctly wire outside portable sign; (2) Correctly wire exhaust fan at rear of building; (3) Remove all extension cord wiring; (4) Correctly wire light at upstairs entrance; (5) Install outlet plate at end booth in dance room; (6) Correctly ground outlet on pier in front of band stage; (7) Correctly ground outlet on wall at end of pool table; and (8) Replace broken outlet at juke box.

Building - Correctly install exit signs above doors.

B. Fire Department - Fire Code Violations as follows:

(1) Exit lights - side door out; (2) remove two lock hasps from side exit door; and (3) Provide emergency lighting for rear section.

C. Police Department - Applicant Angela Baker has one speeding violation; Applicant Roger Ward has two violations - speeding and driving while intoxicated. No complaints reports

have been filed for this location during the past year.

Councilman Bratton moved to disapprove the ABC Permit for

Cizzles until all code violations are corrected. This motion

was seconded by Councilman Ellison and carried unanimously.

3. Old Haywood Lounge - 1655 Old Haywood Road (On Premise/Beer & Wine Permit)

A. Inspections Division - Electrical violations (1) Correct or remove neon beer sign; (2) Rewire or remove fluorescent fixture over grill; and (3) Replace missing outlet covers.

B. Police Department - Applicant has had several traffic violations, along with 2 breaking and entering vehicle; 2 larceny; 1 assault; and 1 assault on a female. A review of records for the past year indicates 11 complaints have been filed for this location - 1 forgery, 2 vandalisms, 1 larceny, 6

burglaries, and 1 arson.

Councilman Bratton moved to disapprove the ABC Permit for

Old Haywood Lounge until all code violations are corrected. This motion was seconded by Councilman Ellison and carried

unanimously.

Claims - Ellen Schofield (Fire) - Linda Robinson (Water) - Marjorie Borderick (Streets) - Stephanie Cooper (Streets) Pat Blair (Park Service) Glenn Conner (Police) - James Jenkins (Streets) _ City of Asheville (Traffic Engineering Radio Missing)

- Calvin Allen (Inspections) - Nicholas Giliberti (Water)

The City Manager said claims were received from Ellen

Schofield, Linda Robinson, Marjorie Borderick, Stephanie Cooper, Pat Blair, Glenn Conner, James Jenkins, City of Asheville, Calvin Allen, Nicholas Giliberti.

Mayor Michalove referred the claims to the City Attorney

for investigation and recommendation.

Chris Johansen - Comments relative to City Seal Wood Carving

Chris Johansen commented on the City Seal wood carving

placed in the Council Chambers.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 8:20 PM

MAYOR CITY CLERK
