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Tuesday - April 9, 1991 - 4:00 P.M.

Regular Meeting, Council Chambers

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

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, 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 Bratton - out on personal business

Councilman Ellison arrived at 4:10 PM

Councilman Frank arrived at 5:30 p.m.

INVOCATION

The invocation was given by Councilman Price.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes
of the March 19, 1991 and March 26, 1991 meeting as
submitted.

I. PROCLAMATIONS:

A. State Treasurer's Accounting/Financial Management Award.

Mr. Donald Horton, Assistant Secretary from the State

Treasurer's Office said two years ago the State Treasurer's office began this program to encourage all units of local government in North Carolina to continually strive to upgrade their accounting and financial management programs, systems, methods and procedures. All counties, municipalities, school units, special districts and public authorities in the state are eligible. Applications are evaluated by the Governmental Accounting and Auditing Committee of the North Carolina Association of Certified

Public Accountants. City staff submitted an application for fiscal year 89-90 regarding the City's automation upgrade program. The Mayor was notified by letter from the State Treasurer in mid-February that the City's program is the winner of the State Treasurer's Accounting/Financial Management Award.

Mr. Horton presented the award and plaque to Larry

Fisher, Director of Finance. Mr. Fisher also gave recognition for the City receiving the award to Charlotte Tell, City Accountant and Larry Bopp, Data Processing Director.

Councilman Ellison arrived at the meeting at 4:10 p.m.

B. Presentation of Award to Mike Moser

Julia Cogburn, Planning Director, said the North

Carolina Planning Association, at their Annual Awards Banquet to be held on April 25, 1991, will be presenting to Mike Moser, Chairman of the Planning and Zoning

Commission, an award for Outstanding Appointed Official.

C. Resolution No. 91-42 - Resolution of appreciation for recent retiree, Helen Campbell.

Bill Murphy, Civic Center Director, said Helen Campbell

has served the City of Asheville and its citizens for 15 years. He said she was one of the "behind-the-scene" employees who, through extra effort and attention to small details, provided the special level of service the Civic Center strives to achieve.

Mayor Michalove read the resolution of appreciation.

Upon motion of Councilman Price, seconded by Vice-Mayor

Moore, Resolution No. 91-42 was unanimously adopted.

Resolution Book No. 18 - Page 370

D. Resolution No. 91-43 - Resolution of appreciation for recent retiree, James Guy.

Ray Kisiah, Director of Parks and Recreation, said James

Guy has served the City of Asheville and its citizens for 34 years. He said Mr. Guy worked in various capacities

within the Parks and Recreation Department the last 19 years saving the City many thousands of dollars through his personal creativity and abilities as Maintenance Shop Supervisor. He said during these years James Guy has been the person to respond to emergency repair situations after hours, weekends and holidays, and has performed these services willingly and efficiently at all hours and at considerable personal sacrifice.

Mayor Michalove read the resolution of appreciation.

Upon motion of Councilman Price, seconded by Vice-Mayor

Moore, Resolution No. 91-42 was unanimously adopted.

Resolution Book No. 18 - Page 370

E. City Manager Interns - Linda Adams - Mike Greene

The City Manager introduced the new City Manager

interns, those being Linda Adams from the Water

Department and Mike Greene from the Fire Department.

IV. CONSENT:

A. Scheduling of public hearing relative to Hillside

Development Requirements for May 7, 1991.

SUMMARY: Ordinance amending the Hillside

Development Requirements as set forth in Ordinance Number 631.

The proposed amendments would assure that

graded areas are distributed throughout the site and extend the Hillside

Development Regulations to subdivisions.

B. Scheduling of public hearing relative to Grades for

Subdivision and Group Development Streets for May 7,

1991.

SUMMARY: The Asheville Planning and Zoning Commission

on February 6, 1991 reviewed and recommended approval of an amendment to Chapters 26 and 30 of the City's Code of Ordinances. The proposed amendment establishes a maximum grade of 15% for subdivision and group development streets and authorizes the Board

of Adjustment to grant variances for steeper

grades.

C. Scheduling of public hearing relative to

extraterritorial zoning jurisdiction of the City of

Asheville - West Area specified for May 7, 1991.

SUMMARY: The Asheville Planning and Zoning Commission

has recommended that the area specified as the "West Area" be included in the City's extraterritorial zoning jurisdiction and that specific zoning classifications delineated in the ordinance be assigned to the property included in the proposal. The action specified was acted upon at a special meeting held on December 12, 1990.

held on December 12, 1990.

D. Resolution No. 91-44 - Resolution authorizing the City

Manager to execute utility agreement with the North Carolina

Department of Transportation for the Airport

Road and I-26 twelve inch waterline.

SUMMARY: This agreement provides for the North

Carolina Department of Transportation to install a 12-inch waterline on Airport Road at I-26, in conjunction with the Brevard Road/I-26 connector.

State Project R-0401E (8.1950205)

Resolution Book No. 18 - Page 372

E. Resolution No. 91-45 - Resolution authorizing the City Manager to execute utility agreement with the North Carolina Department of Transportation for the installation of a 12-inch waterline in conjunction with the Meadow Road Bridge over Southern Railway Improvement Project.

SUMMARY: This agreement provides for the North

Carolina Department of Transportation for the Meadow Road Bridge over Southern Railway Improvement Project.

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F. Resolution No. 91-46 - Resolution authorizing the Mayor to file a grant application with the North Carolina Department of Crime Control and Public Safety for the Police Department's Victim Assistance Program.

SUMMARY: This would authorize the Mayor to submit a federal

grant application to support the Police Department's Victim Assistance program targeting victims of violent crimes and their families. The name of the project is Victim Advocate. Application must be submitted by April 15, 1991. Project period is July 1, 1991 through June 30, 1992.

Resolution Book No. 18 - Page 374

G. Resolution No. 91-47 - Resolution authorizing the Mayor to file a grant application with the North Carolina Department of Crime Control and Public Safety in support of a Drug Enforcement Program.

SUMMARY: The City has been approved to submit a federal

grant application to support a drug law enforcement program targeting public housing communities. This is a continuation of the current HAND project. The name of the project is HAND II. It will involve 1) the assignment of officers on an overtime basis to conduct high visibility patrols; and 2) the purchase of specialized covert investigation equipment for use in undercover investigations. Application must be submitted by April 15, 1991. Project period is July 1, 1991 - June 30, 1992.

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H. Resolution No. 91-48 - Resolution authorizing the Mayor to execute a non-warranty deed concerning a parcel of property adjoining Poplar Street.

SUMMARY: William H. Hutchison has requested the City

to convey any interest that it may have in an old right-of-way abandoned by the North Carolina Department of Transportation located

on Poplar Street in the City of Asheville.

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I. Resolution No. 91-49 - Resolution authorizing the Mayor

to accept a deed from the Housing Authority of the City

of Asheville for the Martin Luther King, Jr. Park property and authorizing the City Clerk to execute an affidavit with regard to a notice of limitation of use

for the property.

SUMMARY: The property for the Martin Luther King, Jr.

Park was donated to the City of Asheville through the Urban Renewal Program by the Asheville Housing Authority. The Housing Authority served as the representative for the City and securing this property and has prepared the deed to transfer this property to the City of Asheville. This action will be necessary to accept this property. Also, the State of North Carolina, as part of the requirements to substitute this property for Bee Tree Lake under the Land and Water Conservation Fund Program, requires that a Notice of Limitation of Use be adopted by the City and recorded with the deed to this property. This resolution provides for both the acceptance of the property and the recording of the limitation of use.

Resolution Book No. 18 - Page 377

J. Resolution No. 91-50 - Resolution authorizing the

Mayor to execute a lease agreement by and between the City of Asheville and the County of Buncombe for a Buncombe County Child Development Program at Reid

Memorial Recreation Center.

SUMMARY: The City of Asheville and the County of

Buncombe have previously entered into a lease wherein space at Reid Memorial Recreation Center was leased by the City to the County for a child development program. That lease has now expired and the parties have agreed to renew that lease. This resolution will authorize the Mayor to execute a new lease for this purpose.

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Upon motion of Vice-Mayor Moore, seconded by Councilman

Ellison, the consent agenda was unanimously approved.

II. OLD BUSINESS:

III. NEW BUSINESS:

A. Budget Ordinance amendment increasing public funding

for Asheville Transit Authority.

The City Manager said the Asheville Transit Authority

has experienced cost overruns for fiscal year 1990/91. This action is required to provide funding to continue service at present levels through June 30, 1991. This action will increase public funding for ATA from

\$1,362,900 to \$1,505,140 or \$142,240.

Councilman Ellison said it was his understanding that

Council was to have a work session relative to the Asheville Transit Authority Budget prior to any decisions being made on their budget. He requested that action on the budget amendment until Council could have a report from the Authority.

The City Manager said Council would be discussing

outside agency budgets on April 29, 1991 and Council could consider this amendment after that time.

Wanda Winslow, Chairman of the Asheville Transit

Authority, said without the budget amendment this year the bus operation will have to shut down for one month. She said she would be prepared to make a presentation to Council on April 29, 1991.

MEETING CONTINUED AT CIVIC CENTER - 5:00 P.M.

Councilman Ellison moved to recess the meeting and to reconvene this meeting at 5:00 p.m. at the Asheville Civic Center Banquet Room. This motion was seconded by Councilman Price and carried unanimously.

The meeting reconvened at 5:00 p.m. at the Asheville Civic Center with the following present:

Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, 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.

V. PUBLIC HEARINGS:

A. Public hearing relative to annexation of area known as

Haw Creek II Area.

Mayor Michalove said N. C. Gen. Stat. sec. 160A

requires the City to hold a public hearing relative to the proposed annexation at least ten (10) days prior to the adoption of an ordinance for the annexation.

Mayor Michalove opened the public hearing at 5:04

p.m.

The City Clerk presented the notice to the public

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

By the use of a map, Patty Tallerday, Senior

Planner, described the boundaries proposed to be annexed, and explained the report of plans to provide municipal services to the area. She said the area meets state criteria to qualify for annexation.

She stated that upon the effective date of

annexation the City will provide to the area the same level of City services as is provided presently in the City of

Asheville with the exception of water and sewer services which will be in place within two (2) years.

She described the manner in which the city would

provide the services to the area residents and stated that copies of the plan were available at the public hearing, as well as at the City Clerk's Office.

Van Gerald, 425 Sondley Woods Parkway, representing

the Haw Creek Taxpayer's Association, said fifty percent (50%) of the residents have joined the Association and contributed to the fund. He said the residents oppose the annexation stating that the residents in the proposed area should be allowed to vote on whether or not they want to be annexed. He said the annexation is unfair, unjust, and contrary to the constitution. He said the residents' tax bills will have a tripling effect this year because of reevaluation.

Councilman Frank arrived at 5:30 p.m.

The following individuals also spoke in opposition

to the annexation:

Gordon Miners, 8 Mann Road

Fred Lewis - 38 Haw Creek Circle

Eugene Ross - 928 New Haw Creek Road

Birch Snyder - 448 Sondley Estates

Jim File - 108 Sondley Parkway

Mary Ellen Williams - 112 Sondley Parkway

Mr. Schulz - Mann Road

Mayor Michalove said this proposed annexation was outlined in the 2010 Plan adopted in 1987. He said this document was developed by thousands of residents and has been a guideline for the City of Asheville.

Mayor Michalove also responded to concerns expressed by Mr. Jarrell relative to the proposed annexation.

A discussion was held relative to the involvement of the Haw Creek Volunteer Fire Department. Mr. Robert Griffin with the Asheville Fire Department said the city staff will be meeting with the Board of Directors of the Fire Department on April 11, 1991 and the residents in the area can be assured that they will receive the same level of fire protection as other residents in the City.

Harry Burnette - 276 Haw Creek Road - with the Haw Creek Volunteer Fire Department, said a contract relative to fire protection services will be negotiated during the meeting on April 11, 1991.

A discussion was also held relative to the state maintenance of the roads and the city's proposed estimate to bring the roads in question up to City standards. It was determined that the city staff would make a thorough comparison if they were furnished with the state's specifications.

Mayor Michalove closed the public hearing at 6:55 p.m. and stated that the first reading of the ordinance would be held on April 23, 1991

B. Public hearing relative to Lakeview Mobile Home Park

Extension (Resubmittal).

Mayor Michalove opened the public hearing at 7:00 p.m.

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 George Jenson, agent

for the owner, is requesting the addition of seven (7) mobile homes to an existing mobile home park. The park is located on Miami Circle in Skyland. Water and sewer service is available for the additional mobile homes. Fire protection is available. The developer plans to

install a fire hydrant.

Based upon the guidelines set forth in the

zoning ordinance for mobile home parks, an area of 49,651 square feet is required for 7 mobile homes. The project area is 47,700 square feet. A variance will be required to permit the

placement of the 7 mobile homes on the site.

Upon reviewing the site plan and hearing the

comments of the planning staff and the project engineer, the Planning and Zoning Commission voted to approve the request with two contingencies:

1. Approval by City Council of a variance to

permit the placement of seven (7) mobile

homes on a site of 47,700 square feet; and

2. All relocated mobile homes shall be at least

twenty (20) feet from internal streets.

Mr. Sherrill said the staff recommendation was

for denial due to the requirement of 49,651 square feet for 7 mobile homes and the project area is 47,700 square feet.

Mr. Jensen spoke in support of the project

stating that the owner would like to utilize as much of his land as possible. He said all the lots will be in excess of 7,000 square feet. He said the project was originally disapproved due to inadequate fire protection, however that problem has been corrected.

After discussion, Mayor Michalove closed the

public hearing at 7:15 p.m.

Councilman Ellison moved to approve the site

plan for Lakeview Mobile Home Park Extension (Resubmittal) subject to the conditions outlined by the Planning and Zoning Commission and that the requested variance be granted. This motion was seconded by Councilman Estes and

carried on a voice vote of 4-1, with Vice-Mayor Moore voting "no."

C. Public hearing relative to Public Works Complex.

Mayor Michalove opened the public hearing at 7:18 p.m.

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 the City of Asheville

proposes to construct the Public Works Complex on a 7 acre site located on South Charlotte Street. The complex will consist of 6 buildings with approximately 80,000 square feet under roof. Administrative offices, storage space, and maintenance facilities will be provided at the complex. A variance from the front setback requirements established by the Zoning Ordinance was previously granted to permit the development of the interior storage yard. Development of the complex will require the relocation of Beaumont Street. Dixon Alley and another unnamed alley will need to be closed. After reviewing the project plans and hearing comments from staff and the project architect, the Planning and Zoning Commission recommended approval of the group ent

development request with the following contingencies:

1) Approval of driveway permit, as required,

by NCDOT;

2) Approval by City Council of the closing

of Dixon Alley and another unnamed alley.

The City Manager said the Public Works Complex has

been in the process for many years and is very much needed. He said the complex will provide a safer and healthier environment for the employees. He said this will also provide a covered storage area

for equipment.

Mayor Michalove closed the public hearing at 7:27 p.m.

Councilman Ellison moved to approve the site plan

for the Public Works Complex subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Vice-Mayor

Moore and carried unanimously.

D. Public hearing relative to closing Dixon Alley and unnamed alley off Beaumont Street.

Resolution No. 91-51 - Resolution to close Dixon Alley and unnamed alley off Beaumont Street.

Mayor Michalove opened the public hearing at 7:18 p.m.

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 Manager said 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.

Mayor Michalove closed the public hearing at 7:27 p.m.

Upon motion of Councilman Ellison, seconded by

Vice-Mayor Moore, Resolution No. 91-51 was unanimously approved.

Resolution Book No. 18 - Page 379-380

E. Continuation of public hearing relative to closing Post Street.

Mayor Michalove said a petition to close Post Street

between North French Broad Avenue and Otis Street has been received from the United States of America General Services Administration. GSA is the owner of all property adjoining the street petitioned to be closed with the exception of one lot which they are in the process of purchasing but which has not been consummated at this point in time. The closing of Post Street will allow for the construction of the new Federal Building Project. All public utility companies have been requested to provide information for utility easements which may need to be retained. This public hearing was

continued from the March 19, 1991 meeting.

The City Attorney suggested that the process for the closing of Post Street start over due to the fact that the street was improperly posted.

Resolution No. 91-52 - Resolution of intent to close

Post Street between North French Broad and Otis Streets and calling a public hearing on the question for May 21, 1991

Upon motion of Vice-Mayor Moore, seconded by Councilman

Estes, Resolution No. 91-52 was unanimously approved.

Resolution Book No. 18 - Page 381

F. Continuation of public hearing relative to closing an unnamed public alley between Otis Street and Patton Avenue.

Resolution No. 91-53 - Resolution closing an unnamed

public alley between Otis Street and Patton Avenue

Mayor Michalove said a petition to close an unnamed

alley between Otis Street and Patton Avenue has been received from the United States of America General Services Administration. GSA is the owner of all property adjoining the unnamed alley petitioned to be closed with the exception of one lot which they are in the process of purchasing but which has not been consummated at this point in time. The closing of the unnamed alley will allow for the construction of the new Federal Building Project. All public utility companies have been requested to provide information for utility easements which may need to be retained. This public hearing was continued from the March 19, 1991 meeting.

The City Manager said Alan Cartridge from the U. S.

Forest Service appeared at the public hearing on March 19, 1991 and requested that the easement the Forest Service has on this property remain until such time as the new building is constructed. He said he had received assurance from the Assistant Regional Manager of the General Services Administration that the U. S. Forest Service sign could stay on the property until the new building is constructed.

Mayor Michalove closed the public hearing at 7:30 p.m.

Upon motion of Councilman Ellison, seconded by Vice-

Mayor Moore, Resolution No. 91-53 was unanimously adopted.

Resolution Book No. 18 - Page 382

G. Public hearing relative to closing an unnamed alley

running west off Oaklawn Avenue.

Mayor Michalove opened the public hearing at 7:32 p.m.

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the

affidavit of publication.

Jim Ewing, Director of Public Works, said 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.

provide utility easement needs.

A member of the Grace Episcopal Church, Larry Harris, said

the church owns all adjoining property and proposes to use this property for expanding their parking lot.

Bill Mull, 30 Ottari Road, spoke in opposition to the

closing of this alley, stating that if the church makes this property into a parking lot this action will decrease his property value and diminish their views. He also commented that the property was not properly posted.

After discussion, Vice-Mayor Moore moved to continue the

public hearing relative to closing the unnamed alley until April 23, 1991 without further advertisement. This motion was seconded by Councilman Estes and carried

unanimously.

H. Public hearing relative to an ordinance directing the Director of Inspections to demolish 143 Blanton Street

Ordinance No. 1905 - Ordinance directing the Director of

Building Inspections Division to demolish the dwelling located at 143 Blanton Street.

Mayor Michalove opened the public hearing at 7:45 p.m.

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the

affidavit of publication.

Jeff Trantham, from the Inspections Division, said in

accordance with procedures and requirements contained in G.S. 160A-364, a public hearing is required to adopt an ordinance directing the Director of Building Inspections to proceed with the demolition and removal of the dwelling known as 143 Blanton Street; Asheville, North Carolina, or otherwise comply with the provisions of the

Housing Code of the City of Asheville.

He said all notifications have been given and the City

can demolish the house for \$3,500 within thirty (30) days from the date of adoption of the ordinance. He said the cost of demolition will be placed as a lien

against the property.

Mr. Trantham said all notifications have been sent to

the owner by certified mail, return receipt requested. He said the owner has signed for the notices but has not responded to any notice.

Mayor Michalove closed the public hearing at 7:50 p.m.

Councilman Frank moved for adoption of Ordinance No.

1905. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 6-0, Ordinance No. 1905 passed on first reading.

Councilman Ellison requested that the owner be given one

final notice that Council is taking final action on demolition of the house.

Chris Johansen asked if there is any way that the City

could purchase the house under eminent domain and sell it to Mountain Housing Opportunities in order that the house could be rehabilitated.

Council asked the City Manager to investigate the feasibility of Mr. Johansen's suggestion prior to the second reading of the ordinance.

I. Public hearing relative to amending Zoning Ordinance relative to penalty provisions

Ordinance No. 1906 - Ordinance amending Article 10 of Chapter 30 of the Code of Ordinances of the City of Asheville (Penalty Provisions)

Mayor Michalove opened the public hearing at 7:52 p.m.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Gerald Green with the Planning Department said the

Asheville Planning and Zoning Commission on February 6, 1991 reviewed and recommended for approval an amendment to Article 10 of Chapter 30 of the Code of Ordinances of the City of Asheville. The proposed amendment would strengthen the penalty provisions of the Zoning Ordinance by providing for penalties in addition to the currently permitted criminal penalties for violation of the Zoning Ordinance. Penalties authorized by the

proposed amendment are:

- Issuance of a citation setting forth the civil penalty of \$200 for violation of the Zoning Ordinance;
- Revocation of any and all zoning permits issued for the property; and
- City Attorney may seek injunctive or other appropriate relief.

The proposed amendment will improve the ability of the Planning Department to enforce the Zoning Ordinance.

Mayor Michalove closed the public hearing at 7:55 p.m.

Vice-Mayor Moore moved for the adoption of Ordinance No. 1906. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1906 passed

on first reading.

NEW BUSINESS (CONT'D)

B. Ordinance No. 1904 - Ordinance amending Section 25.5 of the Code of Ordinances of the City of Asheville (Selling and Entertaining on Streets and Sidewalks)

The City Manager said the code was amended approximately one year ago to allow for push cart vending, sidewalk entertainment and outdoor dining. These amendments allow for the following:

- Insurance - Clarify requirements; eliminate coverage for sidewalk entertainers;
- reduce coverage for non-food vendors

This may encourage more permits to be sold - \$25.00 each.

Councilman Price moved for the adoption of Ordinance No. 1904. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1904 passed on first reading.

VI. OTHER BUSINESS

A. Water Authority - Conservation Committee

A discussion was held relative to the establishment of a

Water Conservation Committee to work with the Water Authority to be appointed independently or to be appointed by the Water Authority.

It was the consensus of Council that the Mayor write a

letter to the Chairman indicating that Council desires that the committee be appointed by the Water Authority.

B. Beaver Lake Heights Subdivision - Larry Buckner

Albert Sneed, Attorney representing Larry Buckner, said his

client has been working with the Planning Department attempting to get approval of a subdivision in Beaver Lake Heights since September, 1990. He said Mr. Buckner has invested lots of money into these lots. He said it was Mr. Buckner's opinion that the Water Department had originally

approved water for the area then found out later that the area did not have sufficient water for the development. He

said he had offered to install a new water line and sprinkle each individual house. He said he had also offered to install a private water system and sprinkle each individual house.

Mr. Sneed said his client is now seeking approval of the

preliminary plat from Council pursuant to the Subdivision Ordinance in that the Planning and Zoning Commission did not take action for 45 days and the ordinance allows the developer to bring the plat to Council after that time.

A lengthy discussion was held relative to internal

memorandums written relative to water availability in the area.

Harold Huff, Director of Water and Sewer Services, said

there is sufficient water for domestic use but the water availability and the pressure is not enough for fire protection. He also said at certain times the area residents currently experience low water pressure. He said this problem should be taken care of in 4 or 5 years when a new water source is put into place.

Mr. Bullock of 1 Greenleaf Circle spoke in opposition to the

approval of the preliminary plat for Beaver Lake Heights

expressing the following concerns:

1) After construction equipment is used on the roadways

the roadways will need to be fully overlaid. Who is going to make sure this is done?

2) There are a number of springs in the area that feed the

lake - who is going to take care of sedimentation that goes into the lake?

3) Traffic in the area will be increased.

4) Fire protection is not adequate.

The Planning Director advised that the Planning and Zoning Commission would be hearing this matter again on April 17, 1991.

Mayor Michalove said it seems that Council has a choice of three options: 1) Approve the request of the developer for approval; 2) Wait until the Planning and Zoning Commission takes action on April 17, 1991; or 3) reschedule this matter to be heard by Council on April 23, 1991.

After discussion, Councilman Ellison moved that the Beaver Lake Heights Subdivision be placed on Council's agenda for April 23, 1991 if the developer does not receive satisfactory approval from the Planning and Zoning Commission on April 17, 1991. This

motion was seconded by Vice-Mayor Moore and carried unanimously.

®C. Report of Group Development Actions by Planning and Zoning

Commission

Don Sherrill from the Planning Department, said the City

Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning

Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with the new procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following action was taken by the Planning and Zoning Commission at their meeting on April 3, 1991.

®(1) UNC-A Dining Hall

Mr. Sherrill said the Asheville Planning and Zoning

Commission on April 3, 1991, reviewed and approved the

site plan of **UNC-Asheville Dining Hall - Parking Deck.**

Council accepted the recommendation of the Planning

and Zoning Commission relative to the site plan of UNC-Asheville Dining Hall - Park Deck.

D. Subdivision Mark Carlson - 245 Old Haw Creek Road

Don Sherrill, with the Planning Department, said

Haw Creek Trace is a proposed four (4) lot

residential subdivision to be located at 245 Old Haw Creek Road. The entire site is 1.24 acres in area and the lot sizes range from 9,000 square feet to 19,000 square feet in area. The land is presently vacant and lies within the R-3 Medium Density Residential Zone. All services are available.

At their meeting April 3, 1991, the Asheville

Planning and Zoning Commission voted to approve the

preliminary plat for Haw Creek Trace with two

contingencies:

1) City Council grant a variance on the street

right-of-way width and the cul-de-sac

radius.

2) The proposed sewer line be approved by the

North Carolina Division of Environmental

Management prior to issuance of any

building permit.

Mr. Sherrill said the developer is asking for a 30'

street right-of-way instead of a 50' street right-of-way.

After discussion, Councilman Ellison moved to approve

the variance for the subdivision plat for Mark Carlson as recommended by the Planning and Zoning Commission. This

motion was seconded by Vice-Mayor Moore and carried unanimously.

E. Claims - Peggy Saager (Streets) - Sophia Brook

(Inspections) - Faison Hester (Water) - Brenda Hudgins (Water) - Marty Cundiff (Water) - Robert Palmer (Water) - Robert Stevenson (Water) - Walter C. Harlow (Fire Department) - Margaret Fitzpatrick (Streets) - John Soprano (Sanitation)

- Terry Moore (Wastewater)

The City Manager said claims were received from Peggy

Saager, Sophia Brook, Faison Hester, Brenda Hudgins, Marty Cundiff, Robert Palmer, Robert Stevenson, Walter C. Harlow, Margaret Fitzpatrick, John Soprano, and Terry Moore.

Mayor Michalove said the claims have been referred to the

appropriate insurers for investigation and

recommendation.

F. Lawsuits - Florence Brummer and Harry Brummer (Appeal from Board of Adjustment decision)

The City Manager said on March 25, 1991, the City was

served with a lawsuit involving Florence Brummer and Harry Brummer regarding an appeal from a Board of Adjustment decision.

Mayor Michalove referred the lawsuit to the City Attorney

for investigation and recommendation.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 9:10 p.m.

MAYOR CITY CLERK
