Tuesday - October 12, 1993 - 4:00 p.m.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Moore gave the invocation.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CLOSE A PORTION OF BORDEAU PLACE

RESOLUTION NO. 93-150 - RESOLUTION CLOSING A PORTION OF BORDEAU PLACE

Mayor Michalove opened the public hearing at 4:07 p.m.

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

Mr. Tom Leslie, representing Merrimon Avenue Investments Inc., explained that the reason they are requesting this portion be closed is they have a problem with traffic going through from Marcellus Street to Merrimon Avenue.

City Manager Bean said that a petition to close a portion of Bordeau Place has been received from Merrimon Avenue Investments Inc. The portion of Bordeau Place petitioned to be closed is a dead end section which serves only the property owned by Merrimon Avenue Investments Inc.

There would be a slight reduction in Powell Bill street mileage from a revenue standpoint which would be more than offset by the reduction in maintenance cost from the expenditure standpoint.

Upon inquiry of Councilman Swicegood about a possible conflict of interest, City Attorney Slawter stated that there was none.

Mayor Michalove closed the public hearing at 4:14 p.m.

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

Vice-Mayor Ellison moved to adopt Resolution No. 93-150. This motion was seconded by Councilman Moore and carried unanimously.

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B. PUBLIC HEARING TO PARTIALLY REZONE 620 REED STREET FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

ORDINANCE NO. 2051 - ORDINANCE TO PARTIALLY REZONE 620 REED STREET FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Michalove opened the public hearing at 4:15 p.m.

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

Ms. Carol Pennell, Urban Planner II, said that the Asheville Planning and Zoning Commission, on September 1, 1993, reviewed and recommended the partial rezoning of 620 Reed Street (PIN No. 9647-16-74-9794) from R-3 Residential District to CH Commercial Highway District. The recommendation leaves one foot remaining R-3 Residential District along Reed Street.

The subject lot is located in recently adopted Hendersonville Road corridor and amended 2010 Plan which shows commercial land use back to Reed Street except for one foot of medium density residential zoning along Reed Street.

Staff recommended denial of the petition to rezone the entire lot commercial highway. The Planning and Zoning Commission recommended rezoning all but one foot of the lot with that one foot remaining R-3.

Mr. David Matney, attorney representing M. Realty Limited Partnership, submitted lot pictures to the Council. He explained that due to the topography of the lot, the petitioner is asking that the Council rezone the total lot CH Commercial Highway (not leaving the one foot to remain R-3 Residential District along Reed Street. He explained that the Department of Transportation took spaces from the front of the lot and they are trying to rezone the lot in the back for employee parking.

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Vice-Mayor Ellison expressed concern that the City worked long and hard on the Hendersonville Road Corridor Plan and he didn't feel comfortable in deviating from the Plan.

Councilman Worley stated that the Council had to consider not only the size of Reed Street and that it is in a very much residential area, but all uses available in the CH Commercial Highway District, even though the petitioner plans to use it for parking.

Mayor Michalove closed the public hearing at 4:24 p.m.

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

Vice-Mayor Ellison moved to adopt Ordinance No. 2051 to rezone 620 Reed Street from R-3 Residential District to CH Commercial Highway District, except for one foot of R-3 zoning along Reed Street. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2051 passed on its first and only reading.

ORDINANCE BOOK NO. 14 - PAGE 32

III. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2052 - ORDINANCE TO REZONE A LOT ON HAZEL MILL ROAD FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Michalove said that the public hearing on this matter was held on September 28, 1993, and a motion was made to table the matter until this date in order to give the Council an opportunity to tour the area.

` Vice-Mayor Ellison wanted to be fair to developers and residents but felt that the City would be setting a precedence (if they rezoned this lot) for commercial development in the future into this residential area. He wanted to know what type improvements the City planned to make to Hazel Mill Road for ingress and egress.

Councilman Moore agreed with Vice-Mayor Ellison's comments and felt that within the next five years, the entire neighborhood would probably be commercial.

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Mayor Michalove felt that the Planning and Zoning Commission and staff should look at this area again because the area is changing.

Councilwoman Field stated that the City needed to look at the large amount of money that will be required to fix Hazel Mill Road for commercial traffic. She supported housing in the area and felt the Council should focus on residential.

Vice-Mayor Ellison questioned whose responsibility it would be to widen the road from a safety standpoint.

Mr. Jerry Crow, attorney representing the petitioner, urged the Council to rezone the lot to commercial and mentioned who supported the rezoning and who did not. He said that the rental property owners recognize that they are not getting a return out of their property in the present residential zone. He emphasized that the area is changing from residential to commercial.

Mr. Conrad Jungberg, 365 Hazel Mill Road, used a map to illustrate the concerns the neighborhood had while speaking in opposition to the commercial highway designation.

Upon inquiry of Councilman Swicegood about a possible conflict of interest, City Attorney Slawter stated that there was none.

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

Councilman Worley moved to adopt Ordinance No. 2052. This motion was seconded by Councilman Peterson.

On a roll call vote of 5-2, with Councilwoman Field and Councilman Moore voting "no", Ordinance No. 2052 passed on its first and only reading.

Mayor Michalove asked the City Manager to come back to the Council with a traffic report on Hazel Mill Road and recommendations for improvements. He then asked the Planning and Zoning Commission to look at this Hazel Mill Road area, in terms of the changing nature that the Council sees in this becoming a commercial area, and for them to look at it in those terms and re-think and fine tune the 2010 Plan accordingly. He also asked that with any of the developments that come in hereafter that we require the -5-

property owners to set aside space for widening the road so that as development comes in we will not have buildings setting on the road and we will have the right-of-way already set aside.

ORDINANCE BOOK NO. 14 - PAGE 35

IV. NEW BUSINESS:

A. ESTABLISHMENT OF PRIORITY LIST FOR TRANSPORTATION

IMPROVEMENT PLAN

Mr. Ron Fuller, Transportation Planner, said that at the City Council meeting on September 14, 1993, City staff presented the annual Priority Needs List information for City Council consideration. A sub-committee was appointed at that time to meet with staff and make a recommendation to City Council on September 28. The sub-committee met on September 23 and discussed the transportation needs. The list of projects were prioritized and some new projects were added. He then briefly explained the List.

Ms. Betty Lawrence, 142 Hillside Street, explained the necessity of Council to add to the List sidewalks on Merrimon Avenue on the west side of the street, specifically in the block south of Weaver Boulevard. She also urged Council not to place the redesign the intersection of Broadway/ Lexington/Merrimon/I-240 at the top of the List and stated her reasons.

Ms. Nancy Hyatt, 37 McIntosh Road, told Council that the project to replace the bridge across Haw Creek at McIntosh Road should not be on the List. She said the bridge only serves only one family (hers) and has been told that it is safe for at least another two years.

Mr. Charles Penny, Assistant City Manager, explained the reasoning for keeping the bridge across Haw Creek at McIntosh Road on the List. He stated, however, that they would investigate the project further.

Ms. Noblett agreed with Ms. Hyatt about the bridge but asked if the City could put some asphalt in the middle of it.

Ms. Pat Skalski, representing the Coalition of Asheville Neighborhoods, stated several concerns and asked that the Council humanize the transportation decisions in the future.

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Mr. Brady Blackburn, Chairman of the Downtown Commission, felt that the Broadway intersection needed to be looked at from a safety standpoint.

Mr. Bernard Arghiere, 853 New Haw Creek Road, urged Council to move the widening of New Haw Creek Road up further on the list and stated his reasons for such a request, i.e. especially safety.

Mr. Rusty Stills, 230-1/2 Courtland Place, urged Council to start at this local level in designating monies for non-traditional highway uses.

Councilman Peterson agreed with Ms. Lawrence for the need of the sidewalks on Merrimon Avenue.

City Manager Bean said that a sidewalk priority list, including sidewalks in school areas, is being drawn up with estimates on the individual projects.

Councilwoman Field thanked the public for their input but cautioned them about getting their hopes up for specific projects because last year no projects were funded.

Vice-Mayor Ellison moved to amend the List to replace the bridge across Haw

Creek at McIntosh Road at the end of that particular section. This motion was seconded by Councilman Moore and carried unanimously. He asked the City Manager to look into the possibility of dedicating the bridge to Ms. Hyatt, since it only serves her family.

Vice-Mayor Ellison moved to amend the List by placing the widening of New Haw Creek Road up to #2 on the List (now #4). This motion was seconded by Councilman Peterson.

There was some discussion relative to whether the widening of Beaverdam Road (#3) was more important than the widening of New Haw Creek Road (#4) and the consensus was that both were equally important.

Ms. Patty Tallerday, Senior Planner, suggested that Council move the #1 project (extend Sweeten Creek widening to Fairview Road) to #4 and move the other projects up. Her suggestion was based upon the expense of the #1 project. She said that if the #1 project was funded, it would be so expensive that there would not be enough money left over for any of the other lower priority projects.

Vice-Mayor Ellison withdrew his prior motion about moving the widening of New Haw Creek Road up to #2 on the list. Councilman Peterson then withdrew his second.

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Councilman Swicegood stated his concerns about moving the #1 project down to #4.

Vice-Mayor Ellison moved to adopt the Priority Needs List for the Transportation Improvement Program as shown below. This motion was seconded by Councilman Moore and carried on a 5-1 vote, with Councilman Swicegood voting "no".

Request for Accelerated Projects

<u>National Highway System (Interstate projects)</u>

1. Asheville Connector

<u>Surface Transportation Program (Other projects)</u>

1. Widening of Sweeten Creek from US 25 to SR 3229

2. Improvements to the signals and intersection at US 70/74 (Asheville Mall area)

Requests for New Projects

National Highway System (Interstate projects)

1. Redesign the intersection of Broadway/Lexington/ Merrimon/I-240

Surface Transportation Program (Other projects)

1. Construct new bridge over Sweeten Creek at Decatur Street (behind the old Lowe's property)

2. Widen and straighten Beaverdam Road from Elk Mountain Scenic Highway to city limits

3. Widen New Haw Creek Road between Tunnel Road and city limits to a threelane facility

4. Extend Sweeten Creek widening to Fairview Road

5. Widen Mills Gap Road from US 25 to SR 3121 to four lanes

6. Widen Overlook Road from US 25 to Long Shoals Road to a two-lane facility with wide outside lanes, curb and gutter, and sidewalks

7. Expand the scope of the Long Shoals Road widening to include wide outside lanes

Small Urban Projects

1. Construct sidewalks on Fairview Road from River Ridge Mall to Sweeten Creek Road

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2. Realign the intersection of New Haw Creek Road at Beverly Road

3. Refurbish the streetscape on Broadway Avenue from Hiawassee/Woodfin to Pack Square

4. Refurbish the streetscape on Biltmore Avenue from the Hot Dog King to Southside Avenue

Transportation Safety Improvements (NHS)

1. Redesign the intersection, including additional landscaping, of Broadway/Lexington/Merrimon/I-240

Transportation Safety Improvements (STP)

- 1. Construct turn lanes at targeted intersections on Merrimon Avenue
- 2. Widen Biltmore Avenue from Caledonia to St. Josephs
- 3. Synchronize signalization of West Patton Avenue

4. Synchronize signalization of Biltmore Avenue from Aston Street to the Blue Ridge Parkway

5. Make intersection improvements to Pinners Cove Road at Mills Gap Road

Federal and Municipal Bridge Projects

- 1. Replace bridge across Haw Creek at Graham Road
- 2. Replace bridge across Smith Mill Creek at Druid Drive
- 3. Replace bridge across Sweeten Creek at Garfield Street
- 4. Replace bridge across Sweeten Creek at Roberts Road
- 5. Replace bridge across Haw Creek at McIntosh Road

State Road Bridges

minutes of 10-12-93

1. Replace bridge across Southern Railway line on Cedar Creek

Transportation Enhancement Projects

1. Purchase and install Opticom System on targeted intersections

2. Construct sidewalks on Hendersonville Road from West Chapel Road to Rock Hill Road

3. Expand the scope of the Long Shoals Road widening to include wide outside lanes

B. RESOLUTION NO. 93-151 - RESOLUTION FIXING DATE OF PUBLIC HEARING ON OCTOBER 26, 1993, ON QUESTION OF ANNEXATION OF A CONTIGUOUS AREA LOCATED ON OVERLOOK ROAD AND KNOWN AS SECTION 4 OF BRAESIDE AT BILTMORE PARK

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City Manager Bean said that a petition has been received requesting annexation of a residential subdivision known as Section 4 of Braeside at Biltmore Park. The City Clerk has certified the sufficiency of the petition. This is the 4th section of the Braeside at Biltmore Park Subdivision petitioned for annexation. Sections 1, 2 and 3 have been annexed.

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

Councilman Worley moved for the adoption of Resolution No. 93-151. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 141

C. RESOLUTION NO. 93-152 - RESOLUTION TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION AND SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM OPERATING IN THE CITY OF ASHEVILLE

City Attorney Slawter explained that the Cable Television Consumer Protection and Competition Act of (1992 Cable Act) authorized franchising authorities, such as the City of Asheville, to regulate the basic service tier and related equipment, installation and service charges of its local franchisee for cable television service. Pursuant to Resolution No. 93-134, the City Manager filed with the Federal Communications Commission a certification form entitled "Certification of Franchising Authority to Regulate Basic Cable Service Rates and Initial Finding of Lack of Effective Competition." The City of Asheville was certified, based upon the 1992 Cable Act and the FCC regulations promulgated thereunder, as of October 6, 1993.

The 1992 Cable Act and the FCC regulations require the City of Asheville to adopt a rule stating that it will follow the FCC rate regulations in its regulation of the basic service tier and related equipment and installation of service charges and that it will ensure a reasonable opportunity for consideration of views of interested parties.

A franchising authority may also enforce the new FCC Customer Service Standards as contained in the federal regulations. The 1992 Cable Act and the FCC regulations -10-

require that the City of Asheville notify the local cable television company that it has been certified, that it has adopted the required by the FCC rules and that it intends to enforce the new FCC Customer Service Standards. Within 30 days of the receipt of the letter from the City Manager setting forth the required notice to TCI Cablevision of Asheville ("TCI"), TCI must file with the City of Asheville its basic service tier rate schedule. Upon receipt of that schedule, the City Council will need to provide an opportunity for consideration of views expressed by interested parties (subscribers and TCI) regarding the rate schedule. After receipt of those comments, the City Council will then determine whether or not the rate schedule

submitted meets the FCC standards.

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

Councilman Moore moved for the adoption of Resolution No. 93-152. This motion was seconded by Councilman Worley and carried unanimously.

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D. RESOLUTION NO. 93-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PERRY M. ALEXANDER CONSTRUCTION COMPANY FOR THE GRADING AND SITE IMPROVEMENT WORK FOR BALLFIELDS ON WEST CHAPEL ROAD

City Manager Bean said that bids were solicited and received for the grading and site preparation for the construction of Little League ballfields at the West Chapel Road Park. He said the low bid was submitted by Perry M. Alexander Construction Company in the amount of \$306,202 (copy of the bid summary is attached hereto as Exhibit "A"). He asked, however, that he be authorized to negotiate with the low bidder in an effort to reduce the amount.

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

Councilwoman Field moved for the adoption of Resolution No. 93-153 with the City Manager being authorized to negotiate with Perry M. Alexander Construction Company in an effort to reduce the amount. This motion was seconded by Councilman Moore and carried unanimously.

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E. ORDINANCE NO. 2053 - BUDGET ORDINANCE AMENDMENT RELATIVE TO THE WEST CHAPEL ROAD PARK

City Manager Bean said that this budget amendment, in the amount of \$306,202, is to appropriate the funds for the grading and site improvement work for ballfields at the West Chapel Road Park.

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

Councilman Field moved for the adoption of Ordinance No. 2053. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2053 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 38

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 28, 1993

B. RESOLUTION NO. 93-154 - RESOLUTION CALLING FOR A PUBLIC HEARING ON NOVEMBER 9, 1993, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 22 OLIVE STREET

Summary: On April 7, 1992, and August 3, 1992, the Inspections Division inspected 22 Olive Street and found it was unfit for human habitation. Inspections revealed that the roof system is in advance disrepair, floors in bad shape, broken windows throughout, electrical panel needs replaced; plumbing system in disrepair, and water is off. Furnace is missing, exterior chimney is falling away from house, handrails missing, front porch floor has holes, lot is overgrown and very unsanitary.

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Councilman Worley moved for the adoption of the consent agenda. This motion was seconded by Councilman Moore and carried unanimously.

VI. OTHER BUSINESS:

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A. GROUP DEVELOPMENTS

Mr. Tony Nicholson, Urban Planner, 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 this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission on July 7, 1993, and October 6, 1993:

T. C. ROBERSON (ADDITIONS AND RENOVATIONS)

Mr. Nicholson said that T. C. Roberson High School is proposing the construction of additional educational facilities at the school. The proposal is for a 71,000 sq. ft. addition consisting of an auditorium, library, classrooms, and administrative offices. The site and all surrounding properties are zoned R-4 with all adjacent properties used for residential purposes. Access to the proposed addition and parking areas will be provided by a new one-way entrance from Miami Circle and a new one-way exit to Long Shoals Road. Although the Water Authority and Metropolitan Sewerage District have not yet approved availability of services, the Fire Department has conditionally approved availability of adequate fire protection. The proposed plans do meet the minimum requirements of the zoning ordinance, including parking, landscaping, and watershed protection.

At their October 6, 1993, meeting, the Planning and Zoning Commission voted to recommend approval of the project with the following conditions:

1. Availability of services approved by the Metropolitan Sewerage District and the Water Authority.

2. Location and number of fire hydrants must be approved by the Asheville Fire Department.

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

TRINITY BAPTIST CHURCH - NEW AUDITORIUM AND PARKING LOTS

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Mr. Nicholson said that Trinity Baptist Church is proposing the construction of a new auditorium/classrooms building adjacent to the existing church at 216 Shelburne Road. The 53,500 square feet building will consist of a 1200 seat auditorium on the ground floor and classrooms on the basement floor. The site and all adjacent properties are zoned R-2 and R-3 and surrounding properties consist of single-family homes. The plans also include 183 new parking spaces and new driveways onto Shelburne Road and Sand Hill Road.

The proposed plans meet or exceed the requirements of the Asheville Zoning Ordinance, including parking, landscaping and the conditional use requirements as amended on September 14, 1993. While the Fire Department has approved availability of services to the site, the Metropolitan Sewerage District and the Water Department have not yet approved availability of services to the site.

At their July 7, 1993, meeting, the Planning and Zoning Commission approved the site plan with three conditions:

1. Availability of services must be approved by the Asheville-Buncombe Water Authority and the Metropolitan Sewerage District;

2. A conditional use permit must be granted by the Board of Adjustment; and

3. The Board of Adjustment must specifically address the issue of parking lot lighting and its effect on the surrounding neighborhood.

A number of neighboring residents attended the meeting and voiced concerns dealing with parking lot lighting and increased traffic congestion.

At their September 20, 1993, meeting, the Board of Adjustment granted the church a conditional use permit to make the proposed improvements.

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

B. RESOLUTION NO. 93-155 - RESOLUTION RESCINDING RESOLUTION NO. 93-82 AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH SERVICE ONE, INC., FOR REPAIRS TO THE ROOF OF THE WATER MAINTENANCE BUILDING

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City Manager Bean said that on June 15, 1993, the City Council adopted Resolution No. 93-82 authorizing the City Manager to execute a contract with Brownlee Construction Inc. as the lowest responsible bidder for the water maintenance building roof repair project. Subsequent to the adoption of that resolution, the City has determined that some changes need to be made in this project and as a result of those changes, new bids were solicited for the project. The Parks and Recreation Department has reviewed those bids and has recommended that the bid for the work be awarded to Service One, Inc., as the lowest responsible bidder for the revised project. This resolution will rescind Resolution No. 93-82 in its entirety and award the bid to Service One, Inc., as the lowest responsible bidder for the water maintenance building roof repair project, in the amount of \$23,967.

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-155. This motion was seconded by Councilman Moore and carried unanimously.

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C. MOTION SETTING A PUBLIC HEARING FOR OCTOBER 26, 1993, TO REZONE 271 LEICESTER HIGHWAY FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT

Vice-Mayor Ellison moved to set a public hearing for October 26, 1993, to rezone 271 Leicester Highway from R-3 Residential District to R-4 Residential District. This motion was seconded by Councilwoman Field and carried unanimously.

D. MOTION SETTING A PUBLIC HEARING FOR OCTOBER 26, 1993, RELATIVE TO A VARIANCE REQUEST FOR MIDLANDS OF LAKEVIEW PARK SUBDIVISION

Vice-Mayor Ellison moved to set a public hearing for October 26, 1993, relative to a variance request for Midlands of Lakeview Park Subdivision. This motion was seconded by Councilman Worley and carried unanimously.

E. HOUSING INVENTORY

Upon inquiry of Councilman Swicegood, City Manager Bean said that the Council would be received a report on October -15-

26, 1993, relative to an inventory of the most dilapidated houses in Asheville, with estimates for demolition costs.

F. ORDINANCE REGULATING SMOKING

Mr. Bob Tinkler asked the Council to amend Section 1 of Ordinance No. 2050 to either (1) delete any reference to exceptions to the ban in municipal buildings, or (2) allow exceptions to be made only if such designated smoking areas would have a separate and adequate HVAC system according to standards established by the American Society of Heating, Refrigeration and Air Conditioning Engineers.

It was the consensus of Council not to amend the ordinance because the Buncombe County Board of Health rules, recently adopted regulating smoking, are effective not only in the County but in the City as well, and would take precedence over the City's ordinance.

G. CLAIMS

City Manager Bean said that the following claims were received by the City of Asheville during the week of September 27 - October 1, 1993: John Miller (Water), Christopher Collins (Streets) and Lisa Bailey (Water).

He said that these claims would be referred to the appropriate insurers for investigation.

VII. ADJOURNMENT:

Mayor Michalove adjourned the meeting at 6:00 p.m.

CITY CLERK MAYOR

minutes of 10-12-93