

Tuesday - March 22, 1994 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman McClure gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 94-51 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL FOR ITS PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE FOREIGN EXCHANGE STUDENTS AND TEACHER FROM JAPAN

City Manager Farris read the resolution commending Asheville High School for its participation in the international exchange program which is in its 18th year in the United States.

Mr. Courtney Ross, teacher at Asheville High School, recognized the exchange students and teacher from Japan while Mayor Martin presented each with a small gift from the City.

Councilwoman Field moved for the adoption of Resolution No. 94-51. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 274

B. RESOLUTION NO. 94-52 - RESOLUTION DESIGNATING SHARE-OUR-STRENGTH MONTH

Councilwoman Sitnick introduced and read the resolution designating April 1994 as "Share Our Strength" Month in recognition of the efforts of SOS, the organization created to alleviate hunger today and prevent hunger tomorrow.

Mr. Mike Faulkner commended local chefs, restaurants and food suppliers for their participation in the SOS's Taste of the Nation. He then showed a brief video. He thanked Mr. Billy Shore and Councilwoman Sitnick who were instrumental in getting SOS, the largest non-profit agency feeding the poor today, started back in the 1980's.

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-52. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 275

C. RESOLUTION NO. 94-53 - RESOLUTION ESTABLISHING COMMUNITY RELATIONS MONTH

Councilwoman Sitnick introduced and read a resolution establishing May 1994 as "Community Relations Month." She said the Community -2-

Relations Council is requested to develop a program for Community Relations Month to focus on positive approaches to recognizing the diversity of the

Asheville community and helping increase understanding and respect among all groups. She said that a date in May will be set by a steering committee for the first annual Community Relations Council Forum on solutions and plans of action.

Upon inquiry of Mr. H. K. Edgerton, Councilwoman Sitnick said that the steering committee will be formulated by the Community Relations Council and City Council members.

Mr. Bob Smith, Asheville-Buncombe Community Relations Council, thanked Council for their support and looked forward to working with them in the future.

Councilwoman Field moved for the adoption of Resolution No. 94-53. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 276

D. PROCLAMATION PROCLAIMING THE WEEK OF MARCH 21-27, 1994, AS "VOLLEYBALL WEEK"

Mayor Martin proclaimed the week of March 21-27, 1994, as "Volleyball Week" in the City of Asheville and presented Mr. Donnie Luke with the proclamation who briefed the Council on the Hi Neighborhood Volleyball Tournament.

II. PUBLIC HEARINGS: None

III. UNFINISHED BUSINESS:

A. THIRD READING OF ORDINANCE NO. 1958, AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 10 SUNSET SUMMIT

City Attorney Slawter said that this matter was last before the Council on January 24, 1994, at which time Bob Hixson had just sent to the current owner, Kenneth Maultsby, an Order that the demolition be completed by Mr. Maultsby. Mr. Maultsby did demolish part of the remaining structure on the site, but has now ceased his demolition efforts, leaving an elevated driveway and a retaining wall.

Based upon Judge Saunders' ruling, Bob Hixson has directed that the elevated driveway and retaining wall must also be demolished. Mr. Maultsby appealed that ruling to the Board of Adjustment. On March 21, 1994, a hearing was held before the Board of Adjustment and the Board of Adjustment upheld the decision of Bob Hixson denying the most recent permit application by Mr. Maultsby.

City Attorney Slawter explained that if the ordinance is adopted on its third reading by the Council, the ordinance directs Mr. Hixson to cause the remaining portion of the structure at 10 Sunset Summit to be demolish and removed.

At the request of Mayor Martin, City Attorney Slawter explained that Mr. Hixson denied the permit based upon Judge Saunders' Superior Court Order in January 1994 that reversed the issuance of an earlier permit by Mr. Hixson.

Mr. Kenneth Maultsby, spokesman for the Phoenix Group, made various comments relative to Harry Brummer as a person. He passed out -3-

exhibits and pictures as he urged the Council to not adopt the proposed ordinance directing demolition and removal. He stated, among other things, that the City cannot destroy private property for aesthetic reasons alone.

On a roll call vote of 7-0, Ordinance No. 1958 passed on its third and final reading.

ORDINANCE BOOK NO. 13 - PAGE 22

B. ORDINANCE REGULATING CONTROL OF STORMWATER

At the request of Stormwater Task Force, it was the consensus of Council to postpone this matter until April 19, 1994.

IV. NEW BUSINESS:

A. ANNUAL 2010 MONITORING REPORT

Mr. Paul Benson, Urban Planner, said that on an annual basis the Planning Department requests that agencies with responsibilities for implementing goals of the 2010 Plan report on the year's progress in achieving those goals. He then highlighted the significant accomplishments reported for the past year.

Mayor Martin stated that the 2010 Plan is a outstanding example of community participation. He suggested that within the next 12 months, the Council reconstitute the 2010 Plan committees and task forces to make mid-course corrections. He felt staff should be commended for their work and stated how important it was to continually have community involvement.

Councilwoman Sitnick suggested coordination of the 2010 mapping with the UDO mapping. Mr. Benson explained the process involved with the UDO mapping and assured Councilwoman Sitnick that the process will have extensive public involvement.

Vice-Mayor Peterson hoped that when the committees get back together again that representatives from all areas be included.

Mr. H. K. Edgerton spoke about problems he has encountered in accessing the economic system. He hoped that minorities, in particular African-Americans, will be able to obtain some financial help from the City in order that they can be a viable part of the downtown area.

Councilman McClure stated that if Mr. Edgerton would call him at his office, he would be happy to share with him some information regarding financial help available, including, but not limited to the Self-Help Credit Union. Mr. Edgerton related some experiences encountered with the Self-Help Credit Union and the amount of red tape and extensive paperwork involved with trying to obtain a loan.

Councilman Watts suggested Mr. Edgerton talk to the Housing Authority for information on what minority businesses and developments are taking place in the community.

B. RESOLUTION NO. 94-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM NO. 1 TO ENGINEERING CONTRACT NO. 13 (CONSTRUCTION CONTRACT NO. 10) WITH VAUGHN & MELTON FOR ENGINEERING SERVICES FOR STREET AND SIDEWALK REHABILITATION PROJECT

-4-

City Manager Farris said that this resolution allows for additional engineering work for materials testing which is required to complete Contract 13 with Vaughn and Melton Engineers to assure quality construction is maintained during the course of the project. The contract provides for testing as an additional service. An estimated \$11,256 should be added to Contract 13 to accommodate this additional funding requirement.

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

Councilman Swicegood moved for the adoption of Resolution No. 94-54. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 277

C. RESOLUTION NO. 94-55 - RESOLUTION AUTHORIZING STUDY AND PREPARATION OF A PLAN FOR CONSOLIDATION OF EMERGENCY COMMUNICATIONS SERVICES

City Manager Farris said that this resolution authorizes the City Manager to work with the Buncombe County Manager in developing a plan for consolidation of City of Asheville and Buncombe County emergency communications services during the fiscal year 1994-95 budget development process.

This resolution is based on one of several recommendations placed before City Council in connection with development of a strategy for maintenance of Asheville's Insurance Services Office Class 3 insurance rating.

Upon inquiry of Councilwoman Field, City Manager Farris said that Buncombe County has been contacted and felt this proposed consolidation was worth studying.

Mayor Martin 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. 94-55. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 278

D. ORDINANCE NO. 2089 - BUDGET AMENDMENT RELATIVE TO BELE CHERE FUND

City Manager Farris said that this budget amendment, in the amount of \$362,000, is the result of staff efforts to resolve long-standing accounting and budget confusion about the annual Bele Chere Festival. Each year the City struggles to deal with the accounting and budget problems that occur because planning, holding and closing the Festival takes place over two fiscal years, and because one festival's process usually overlaps with another.

In order to reduce the complexity around the accounting, budgeting and record keeping systems for Bele Chere, we have set up a new continuing balance enterprise fund just for the Bele Chere Festival. In addition, each year we will designate a unique division number for each festival so that we can easily distinguish one annual event from another. This distinction should also be evident in the Comprehensive Annual Financial Report.

-5-

Further, we will present separate budgets to the City Council for each annual Festival, instead of budgets for portions of two festivals, which are broken down over two fiscal years. This new budget and accounting approach is more appropriate for the event because it recognizes each annual Bele Chere Festival as an individual project (which it is) rather than as a group of annual operating expenses (which it is not, but which is how we have treated it in the past). This new approach will provide us better management information.

Mr. Ralph Bishop spoke in opposition to the Bele Chere Festival. He felt the City should not be running the Festival and that some businesses, in fact, have

to close down during the Festival.

Mr. H. K. Edgerton was concerned about African-American representation in the Festival. He felt there was a great deal of creativity in the African-American community and urged the City to give them the kinds of financing, or help them obtain financing, so they can be a part of the system.

Mayor Martin suggested Mr. Edgerton attend a Bele Chere Commission meeting and relay their ideas to the Commission.

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

Councilman Watts moved for the adoption of Ordinance No. 2089. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2089 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 150

E. ORDINANCE NO. 2090 - BUDGET AMENDMENT RELATIVE TO VALLEY SPRINGS PARK CONSTRUCTION

City Manager Farris said that this budget amendment in the amount of \$25,000 is a contribution from the South Buncombe Recreation and Athletic Association which will be used to complete Phase II of the improvements currently underway at Valley Springs. This generous contribution will be used to construct a storage facility at the park.

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

Councilwoman Sitnick moved for the adoption of Ordinance No. 2090. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2090 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 164

F. ORDINANCE NO. 2091 - BUDGET AMENDMENT RELATIVE TO THE BEAVERDAM AREA ANNEXATION SEWER LINE PROJECTS

City Manager Farris said that this budget amendment, in the amount of \$950,600, is to fund the Beaverdam Area Annexation Sewer Line Projects for sewer construction. The sewer lines have been completed on contracts I and II and the Engineering staff is working on the as-built drawings and warranty items. Originally there was not a budget appropriation set up specifically for these projects. -6-

City Attorney Slawter answered questions from Councilman Swicegood as they related to the Carter Cove Road bridge agreement.

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

Councilman Swicegood moved for the adoption of Ordinance No. 2091. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2091 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 166

G. ORDINANCE NO. 2092 - BUDGET AMENDMENT RELATIVE TO ANNUAL APPROPRIATIONS FOR VARIOUS MUNICIPAL AGREEMENTS AND FOR THE BROADWAY GREENWAY

City Manager Farris said that this budget amendment, in the amount of \$225,000, sets up the annual appropriation to pay for the annual obligations that we have for various municipal agreements and for the Broadway greenway. These payments are actually made from the Public Improvements Fund (60) because this is the fund where we manage all state and federally shared (except transit) bridge projects, right-of-way acquisitions and other municipal agreements.

The revenue which is used to support these obligations is budgeted as an annual appropriation in the Street and Sidewalk Fund (62). This revenue will be transferred from that fund to the 60 fund where the bills will be paid.

Upon inquiry of Councilwoman Sitnick, City Manager Farris said that since there is currently no budget for improvements to the Broadway greenway, he felt a budget amendment will be required in the future.

After inquiries from Mr. Ralph Bishop, City Manager Farris said that he would provide Mr. Bishop with a detailed list of the municipal agreements referred to in this budget amendment. He offered to mail Mr. Bishop the list or have it available for him at Council's next meeting.

City Manager Farris offered to have available two agenda notebooks available on Monday mornings for public inspection.

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

Councilman Swicegood moved for the adoption of Ordinance No. 2092. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2092 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 168

H. ORDINANCE NO. 2093 - BUDGET AMENDMENT RELATIVE TO BRIDGE DESIGN WORK FOR THE GLENDALE AVENUE BRIDGE

City Manager Farris said that this budget amendment, in the amount of \$103,000, sets up the preliminary costs for bridge design work for -7-

the Glendale Avenue bridge. This bridge is approved in the State's Transportation Improvement Plan. The City will participate with the State in a 20%-80% cost share for the project. This budget amendment reflects 100% of the anticipated costs for the bridge design work and the 80% revenue that we will receive from the State on a reimbursement basis. The City's 20% share for this project is already appropriated in the Street and Sidewalk fund. Revenues are sufficient to support our cost for this phase of the project.

Once the design work is completed, we will set up a full budget for the project that will, at least, include right-of-way acquisition, construction, inspection and a contingency.

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

Councilwoman Field moved for the adoption of Ordinance No. 2093. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2093 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 170

I. RESOLUTION NO. 94-56 - RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH MOUNTAIN HOUSING OPPORTUNITIES FOR COMPLETION OF THE 58 BROADWAY PROJECT

City Manager Farris said that this resolution authorizes an additional \$10,000 in funding to Mountain Housing Opportunities, Inc., to complete the 58 Broadway affordable housing project.

In 1990, the City loaned the 58 Broadway Corporation \$86,300 in CDBG funds to support a \$238,000 project to create five residential units and one renovated commercial space at 58 Broadway. The corporation experienced trouble with the project and requested additional funding for completion. In March of 1992, the City approved an additional \$10,000 in funding; however, work on the project ceased before the funds were disbursed. First Union Bank foreclosed on the project and acquired title in July of 1993. Since the project was not completed, the Department of Housing and Urban Development has determined that the project support was an ineligible expenditure. If the project cannot be completed as planned, the City will be required to reimburse the CDBG fund.

Mountain Housing Opportunities, Inc., ("MHO") recently acquired title to the property and plans to complete the project. MHO needs an additional \$10,000 in support from the City. This resolution simply transfers funds previously committed to the project to MHO.

Vice-Mayor Peterson and Councilman Swicegood thanked the MHO for taking on this project.

Mr. Scott Dedman, Executive Director of MHO, briefed the Council on the project. He said the apartments would rent for approximately \$200 a month.

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

-8-

Vice-Mayor Peterson moved for the adoption of Resolution No. 94-56. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 279

V. CONSENT:

Regarding Item "A" on the Consent Agenda, Mr. Ralph Bishop asked Deputy City Clerk Maggie Burleson if she typed verbatim minutes as required by State law. She replied that she did not.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 1, 1994

B. RESOLUTION NO. 94-57 - RESOLUTION RELINQUISHING ALL RIGHTS THE CITY OF ASHEVILLE HAS IN AND TO THAT DEED OF EASEMENT, AND ITS ENLARGEMENTS, GIVEN BY

THE STATE OF NORTH CAROLINA TO THE CITY OF ASHEVILLE FOR A RADIO TOWER AND SMALL APPURTENANT BUILDING ON THE PROPERTY IDENTIFIED AS THE GOVERNOR'S WESTERN RESIDENCE

Summary: The resolution relinquishes all right, title and interest of the City in and to a radio tower and appurtenant building located on property owned by the State of North Carolina for the Governor's Western Residence. The City now uses other towers for its radio communications system. Buncombe County desires to use this tower and appurtenant building for its EMS communications system.

There is no relevant cost of this action. The impact on the budget would be to relieve the City of any liability which might arise as a result of its interest in the tower and appurtenant building. Internal and external customers of the City will not be impacted as the radio communication system of the City is being served by other towers.

RESOLUTION BOOK NO. 21 - PAGE 280

C. RESOLUTION NO. 94-58 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ESTOPPEL CERTIFICATE IN FAVOR OF DAVIDSON HOTEL PARTNERS LIMITED PARTNERSHIP

Summary: The Airport Holiday Inn has recently been purchased by Davidson Hotel Partners, L.P., a Delaware limited partnership. The hotel will continue to be managed by Davidson Hotel Company, which has previously managed that facility, in addition to the Holiday Inn and Days Inn on Tunnel Road. In connection with the purchase of the hotel by Davidson Hotel Partners, L.P., the partnership has requested that the City sign an estoppel certificate certifying that the lease is not in default. There is no relevant cost of this action.

RESOLUTION BOOK NO. 21 - PAGE 281

D. RESOLUTION NO. 94-59 - RESOLUTION AUTHORIZING PREPARATION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR NOMINATION OF AN EMPOWERMENT ZONE

Summary: This resolution will formalize a decision to apply to the U.S. Department of Housing and Urban Development for nomination of an Empowerment Zone. The Empowerment Zone and Enterprise Community program is a critical element of the Clinton/Gore Administration's -9-

community revitalization strategy. There will be six zones and 65 communities designated in urban areas throughout the United States. If an Empowerment Zone application is not awarded a designation, it will automatically be considered for designation as an Enterprise Community. Empowerment Zones will be awarded up to \$100 million for each zone. Employer Wage Credits for zone residents will be awarded to employers in the zone. Enterprise Communities will receive approximately \$3 million in Social Service Block Grant and targeting of other federal resources. The application process requires a strategic plan to be developed with wide spread community involvement. The deadline for applying for nomination of a zone is June 30, 1994. The strategic plan is to be submitted with the application. The Community Development Division will be responsible for development of the application.

RESOLUTION BOOK NO. 21 - PAGE 282

E. RESOLUTION NO. 94-60 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT TO CAROLINA POWER & LIGHT COMPANY FOR POWER LINES ACROSS THE AREA KNOWN AS WEST CHAPEL ROAD PARK

Summary: This resolution will authorize the Mayor to enter into an agreement to

provide CP&L the necessary easements to relocate certain power lines located in the West Chapel Road Park. CP&L will be moving these lines approximately 100 feet from their present location. In addition, new lines will be added to provide electrical service to the ballfield, toilet facilities, concession stand and other necessary support facilities.

RESOLUTION BOOK NO. 21 - PAGE 283

F. RESOLUTION NO. 94-61 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT TO CAROLINA POWER & LIGHT COMPANY FOR POWER LINES ACROSS THE AREA KNOWN AS FRENCH BROAD RIVER PARK

Summary: This resolution will authorize the Mayor to enter into an agreement to provide CP&L the necessary easements to provide electrical service to the picnic shelter, toilet facilities and other necessary facilities located in the French Broad River Park.

RESOLUTION BOOK NO. 21 - PAGE 284

G. RESOLUTION NO. 94-62 - RESOLUTION DESIGNATING THE POLICE CHIEF AS THE APPROPRIATE OFFICIAL OF THE CITY AUTHORIZED TO MAKE RECOMMENDATIONS REGARDING THE SUITABILITY OF A PERSON OR OF A LOCATION FOR AN ABC PERMIT

Summary: This resolution designates the Chief of Police as an official authorized to make recommendations regarding ABC permits. Currently, the Assistant City Manager is making these recommendations.

RESOLUTION BOOK NO. 21 - PAGE 285

H. RESOLUTION NO. 94-63 - RESOLUTION ACCEPTING A REPORT ON THE DISPOSAL OF CITY-OWNED PERSONAL PROPERTY

Summary: Report is for the period July 1, 1993, through December 31, 1993. Sale of scrap cast iron on 10/12/93 for #287.90 to Shulimson Bros. Co. and sale of scrap cast iron on 12/2/93 for \$124.00 to Biltmore Iron & Metal.

RESOLUTION BOOK NO. 21 - PAGE 286

-10-

I. MOTION TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO SELL DISPOSAL PARCEL 83 OF THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROGRAM TO MR. WALTER BYRD IN THE AMOUNT OF \$1,750

J. MOTION SETTING PUBLIC HEARINGS FOR APRIL 5, 1994, AS FOLLOWS: TO REZONE 144 BEAVERDAM ROAD FROM R-1 RESIDENTIAL DISTRICT TO CG COMMERCIAL GENERAL;

TO PARTIALLY REZONE 353 LEICESTER HIGHWAY FROM CS COMMERCIAL SERVICE TO R-3 RESIDENTIAL DISTRICT; AND TO AMEND THE ZONING ORDINANCE TO ALLOW BOARDING OF ANIMALS AT VETERINARY HOSPITALS AND CLINICS AS A CONDITIONAL USE IN CG COMMERCIAL GENERAL AND CH COMMERCIAL HIGHWAY DISTRICTS.

K. MOTION SETTING A PUBLIC HEARING FOR APRIL 5, 1994, RELATIVE TO A VARIANCE REQUEST FOR HIGHLAND BOULEVARD SUBDIVISION.

Councilwoman Field moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Watts and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

Mr. Gerald Green, Senior 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 March 2, 1994:

CLAIRMONT CREST MOBILE HOME PARK

Mr. Green said that Jerry Eugene Bowers and Ken Pankow are requesting approval for a twelve unit addition to Clairmont Crest Mobile Home Park. The 10.9 acre site is zoned R-5 and the proposed development complies with all requirements of the City's zoning ordinance. Access to all units will be provided by the extension of an existing private drive. Availability of all services (i.e. - fire protection, sewer allocation, and water availability) have been approved.

Following the review of the site plan, the Planning and Zoning Commission voted unanimously on March 2, 1994, to recommend approval of the project with two conditions:

1. That a turnaround be provided at the end of the drive with a minimum radius of thirty-five (35) feet; and
2. That plans be resubmitted showing permanent patios as required by the Manufactured Home Regulations.

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

BLUE RIDGE CENTER

Vice-Mayor Peterson moved to excuse Councilwoman Field due to a conflict of interest. This motion was seconded by Councilman McClure and carried unanimously.

-11-

Mr. Green said that Danie Johnson is requesting approval for an 11,797 square foot addition to the Blue Ridge Center, located at 257 Biltmore Avenue. The addition will house the center's substance abuse and child and family services facilities. The project site is zoned CS Commercial Service and the proposed development complies with all requirements of the City's zoning ordinance. Approval of a sewer allocation from MSD has been received. Approvals of fire protection and water availability have been applied for but not yet received.

Following the review of the site plan, the Planning and Zoning Commission voted unanimously on March 2, 1994, to recommend approval of the project with 2 conditions:

1. That approvals be obtained for fire protection and water availability; and
2. That a driveway permit be obtained from NCDOT.

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

BILTMORE COMMONS

Mr. Green said that Nappier and Gunnels, developers, are proposing the development of a 50 acre site located near the intersection of Sand Hill Road and W. Oakview Road. Approximately 12 acres will be developed as a single-family subdivision, with access onto West Oakview Road. The remaining 38 acres is proposed for development as a 225-unit condominium project. This portion of the development is zoned R-2 and the proposed development complies with the requirements of this zoning district.

The condominium development will consist of 63 triplex units and 162 sixplex units. The triplex buildings will be one story and the sixplex buildings will be two stories. A recreation area consisting of a clubhouse, tennis courts, and swimming pool will be developed as part of the project. Overall density for the condominium project will be 5.8 units per acre.

Neighboring property owners spoke at the Planning and Zoning Commission meeting and expressed concern regarding increased traffic, crowding of schools, and stormwater runoff. A neighboring property owner who owns a farm was especially concerned about the impact of the increased stormwater runoff onto his farming operation.

After reviewing the site plan and hearing the comments of the public on March 2, 1994, the Planning and Zoning Commission found that the plan complied with the requirements of the zoning ordinance and voted 6 to 1 to recommend approval with the following four conditions:

1. Approval of driveway permit by NCDOT;
2. Receipt of letters approving utility availability and fire protection (letters of water availability and fire protection approval received);
3. Submittal of a detailed landscaping plan for the parking area; and
4. Provision of stormwater drainage plans to the City for review.

-12-

As the result of a request from the Tree/Greenway Commission asking to review this project, Councilwoman Sitnick moved to set a public hearing on this matter for April 19, 1994. She asked that the City Manager contact Mr. Joey Moore, Chairman of the Tree/Greenway Commission, and request their response prior to the public hearing. This motion was seconded by Councilwoman Field.

After some discussion of the reasoning behind setting the public hearing, Councilwoman Sitnick said that she did not in any way wish to delay the project, only that the Tree/Greenway Commission be given an opportunity to review and comment the project. Therefore, it was the consensus of Council to request the developer meet with the Tree/Greenway Commission at their next meeting, which he said he would.

Councilwoman Sitnick then withdrew her prior motion to set a public hearing on April 19, 1994. Councilwoman Field then withdrew her second.

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

GIVENS ESTATES DUPLEXES

Mr. Green said the Givens Estates is proposing the construction of ten residential duplexes located at the retirement community on Sweeten Creek Road. The new construction will entail 20 new living units and be accessed from a

private road within the Givens Estates property. While the property is contained within the OI (Office-Institutional) zoning district, adjacent properties are zoned R-2 (Residential) and LI (Light Industrial). The proposed project meets the minimum requirements of the zoning ordinance and has received approval for availability of water and sewer services.

At their March 2, 1994 meeting, the Planning and Zoning Commission voted to recommend approval of the Givens Estates Duplexes with two conditions:

1. Letter confirming fire protection availability must be obtained; and
2. Approval of Public Works Department regarding stop sign locations and specifications for curb and drainage pipes.

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

B. REPORT ON HYDRANT FLOW DATA - ISO RATING

City Manager Farris reported that, according to Water Resources Director Mike Holcombe, water flows and pressures had improved substantially at fire hydrants previously checked by the Insurance Services Office ("ISO"). City Manager Farris reported that, based on Mr. Holcombe's report, and on City Council's endorsement of the "Retaining Class 3" recommendations, he would direct staff to proceed with the ISO re-evaluation process.

C. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop asked why he has not received verbatim minutes of two prior City Council meetings. He felt that State law was clear in requiring verbatim minutes be kept of all City Council meetings.

-13-

It was City Attorney Slawter's opinion that State law does not require verbatim minutes be kept of City Council meetings.

Councilwoman Field moved that the Asheville City Council not require the City Clerk to take verbatim City Council meeting minutes, This motion was seconded by Councilwoman Sitnick and carried unanimously.

D. CLAIMS

City Manager Farris said that the following claims were received by the City of Asheville during the week of February 28 - March 4, 1994: Laura Grooms (Water), James and Joyce Lee (Police), Richard Kelly (Fire), Bryan McGuire (Streets), Tammy L. Cutshall (Police), and Marvin Thompson (Water).

He said the following claims were received during the week of March 7-11, 1994: Ed Schell (Streets), Eva Chandley (Water), David Moore (Water), Allen Moss (Streets), Terry Lee Peek (Police), Southern Bell (Streets), Sharon Norton (Water) and Charles Johnson (Water).

He said the following claims were received during the week of March 14-18, 1994: Vicki Isaac (Streets), Joe Pless (Water), Jackson Steele (Parks), Deborah Ware (Fire), Nichole McNabb (Parks), Southern Bell (Water), Miranda Wyatt (Fire) and Laura Stone (Water).

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

E. LAWSUIT

City Manager Farris said that the City was served with the following lawsuit on March 15, 1994: John Scott Hawkins (Appeal from Civil Service Board decision).

He said that this lawsuit has been referred to the appropriate legal counsel for action.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:08 p.m.

CITY CLERK MAYOR
