

Tuesday - June 11, 1996 - 5:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Sellers gave the invocation.

I. PROCLAMATIONS:

A. 1997 Tour DuPont

Mr. James France, General Manager of The Grove Park Inn Resort, announced their co-sponsorship with the City of Asheville for the 1997 Tour DuPont.

He stated that the contract will re-establish a mutually beneficial relationship between professional cycling and Western North Carolina and they are anxious to begin preparations for the return of America's premier cycling event to Asheville in May 1997. He presented Mayor Martin with a yellow jersey autographed by Lawrence Armstrong.

Councilman Hay appreciated the role The Grove Park Inn Resort is playing in the Tour DuPont and thanked them for their efforts.

Vice-Mayor Field move to authorize the Mayor to execute a contract in order to bring the Tour DuPont back to Asheville in 1997, said contract subject to the approval of the City Attorney's Office. This motion was seconded by Councilman Worley and carried unanimously.

B. RESOLUTION NO. 96-91 - RESOLUTION TO RETIRING EMPLOYEE WILLIAM L. FULP SR., RECREATION CENTERS SUPERVISOR, IN THE PARKS & RECREATION DEPARTMENT

City Manager Westbrook read the resolution stating that Bill Fulp has been an employee for 18 years and has requested retirement from his position as Recreation Centers Supervisor in the Parks & Recreation Department. He expressed City Council's appreciation to Bill for his service to the City of Asheville and its citizens.

Councilman Worley moved for the adoption of Resolution No. 96-91. This motion was seconded by Councilman Skalski and carried unanimously.

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C. EXCELLENCE IN PUBLIC SERVICE AWARDS

Mayor Martin recognized Mr. Ed Vess, Field Services Coordinator in the Planning & Development Department, for receiving the award in the Equal Employment Opportunity Service category of the Excellence in Public Service Program. He also recognized Mr. Alan Hyder, Administrative Services Manager in the Police Department, for receiving the Outstanding Professional Employee Award in that Program.

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Mayor Martin congratulated Ms. Deanna McCarson for doing an excellent job in chairing the Public Service Awards this year.

## II. PUBLIC HEARINGS:

### A. PUBLIC HEARING RELATIVE TO ADOPTION OF THE 1996-97 ANNUAL OPERATING BUDGET

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

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

Audit/Budget Director Bob Wurst said that the recommended General Fund budget in the amount of \$49,850,885, was presented to the Council on May 2, 1996. The ordinance as recommended sets the tax rate at \$.57/\$100 valuation (as in the current fiscal year with no increase).

#### CityWorks

Ms. Robin Westbrook, Water Efficiency Coordinator, said that the staff recommendation consists of a 1/4 page ad each week and a full page ad in last week of each month. The estimate for that recommendation is \$60,683 and is for advertising in the Asheville-Citizen Times only.

It was the consensus of Council to budget \$60,683 in 1996-97 for a weekly CityWorks ad and to instruct staff to use the Asheville Citizen-Times and the Mountain Xpress for publishing.

#### Outside Agency Requests

Mr. Wurst said that the agreement with the YMI and Buncombe County called for total funding of \$16,000 of which \$8,000 is provided by the City for operating costs for March, April, May and June of 1996 with no commitment beyond June 30, 1996. Therefore, the 1996/97 budget can be revised in the net amount of \$8,000 (\$16,000 less \$8,000 from the County).

Ms. Cindy Batson, Internal Auditor, said that the Council Outside Agency Committee has recently met and the following are their recommendations:

Funding Funding

Agency Requests Recommendations

Asheville-Buncombe Crime Stoppers 20,760 18,000

A-B Community Relations Council 60,000 60,000

Arts Alliance 27,000 27,000

The Autism Society 1,000 0

RiverLink 27,250 15,250

Ashv Area Rescue Squad 25,000 11,250

Asheville Area Chamber of Commerce 100,000 90,000

Buncombe County Drug Commission 60,000 45,000\*

A/B VISION Inc. 20,000 15,000\*\*

Asheville Sister Cities Inc. 2,000 2,000

Totals 374,010 283,500

\* \$15,000 is in current fiscal year budget

\*\* Plus in-kind contribution of office space

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Vice-Mayor Field moved to accept the Committee recommendations. This motion was seconded by Councilman Hay and carried on a 6-1 vote, with Councilman Skalski voting "no".

### Fees & Charges

Ms. Batson said that City departments have requested a limited number of changes to the City's user fees. These fees have recently been reviewed by the City Council Fees and Charges Committee and they are recommending the following revisions:

#### Parks & Recreation Department:

##### After School Program

\$5.00 increase in the first, second and third child categories

\$20 non-refundable registration fee

##### Day Camp Program

\$4.00 increase in the first, second and third child

categories

\$20 non-refundable registration fee

#### Fire Department:

Fireworks Public Discharge Permit - Typographical error made - Schedule shows \$25.00, but actually should have been \$100.00

#### Civic Center:

##### Personnel

Door Guards increased to \$7.50 hour

Ticket Takers increased to \$7.50 hour

Ushers increased to \$7.50 hour

EMT's increased to \$13.00 hour

Receptionist increased to \$7.50 hour

Laborer increased to \$7.50 hour

Coordinator increased to \$11.00 hour

Building Safety Department:

Temporary Utilities and/or Occupancy

Initial application (per inspection) - from 0 to \$30

Renewal without reinspection required - from 0 to \$40

Renewal with reinspection required

(per inspection) - from 0 to \$30

ABC Inspections - from 0 to \$120 (\$30 per trade inspected)

Inspection Fees

Owner occupied single family dwelling

(per unit) - from \$36 to \$50

Rental property up to 3 units (per

unit inspected) - from \$36 to \$50

Rental property over 3 units (per

unit inspected) - from \$18 to \$25

Certificate of Exemption (per unit) - from \$5 to \$10

Councilman Worley, Chairman of the Council Fees and Charges Committee, said that the Committee increased the Housing Code inspection fees with the understanding that the increase would go toward assuring that we have an adequate Housing Code inspection program and with the hope that some of the revenues from those fees could help cover those costs. The Committee looked at all the fees and what was reasonable and comparable to the private sector.

When Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition, asked whether fines were increased for non-compliance of the

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Housing Code, Mayor Martin explained that all fines are levied under the Fire Code.

Councilman Cloninger moved to accept the Council's Fees & Charges Committee's recommendations. This motion was seconded by Councilman Skalski and carried unanimously.

#### Housing Code Enforcement

As a result of questions raised at the worksession held on June 4, 1996, regarding the enforcement of Asheville's Minimum Housing Code, Mr. Terry Summey, Director of the Building Safety Department, briefed Council extensively on (1) the Housing Code inspection schedule; (2) the evolution of Minimum Housing Code efforts from July 1, 1994, through July 1, 1995; (3) scheduling Housing Code enforcement training; (4) rental property inspections completed; and (5) review of the Housing code issues and action plans.

When Councilman Hay asked Mr. Summey if he felt 3.5 employees were adequate for Housing Code enforcement, Mr. Summey replied that 3.5 employees would be adequate.

Mr. Summey then answered various questions from Council as they related to personnel matters and the number of inspections made per week.

Upon inquiry of Councilman Skalski, Mr. Robert Griffin, Assistant Fire Chief, said that in 1994 14 fines for violations were issued and in 1995 12 fines.

Vice-Mayor Field stressed that Council worked very hard to put together a Minimum Housing Code and was surprised to hear last week that it was not being enforced. She felt it was very important that Building Safety have the resources to do enforcement so that the City can maintain the quality of our housing stock so we will not have to build new units in the future. She felt that once all the rental units are located, perhaps with the help of the Affordable Housing Coalition and others, a regular schedule of inspections can be developed and the Housing Code will be easier to enforce.

Mr. Tony Sayer, President of the Affordable Housing Coalition Board, expressed concern about the level of enforcement of the Housing Code, in particular with rental properties. He felt that 3.5 inspectors might be sufficient to enforce the Code if it was currently being enforced at full capacity. However, he suggested the addition of one more inspector in order to get caught up and allow future inspections at a much higher rate.

Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition, echoed Mr. Sayer's comments and stressed the need for preservation of our housing stock.

Ms. Minnie Jones spoke in support of enforcement of the Housing Code.

Ms. Lisa Riker, Housing Crisis Counselor for the Affordable Housing Coalition, relayed to Council some appalling stories of conditions that renters live in. She urged Council to give the situation as much consideration as possible.

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### Recycling

Mr. Mark Combs, Director of Public Works, said that he has talked at length with the Buncombe County Solid Waste Committee and they were adamant about the blue bag system that the County is currently using.

Mayor Martin said that he has received a request from the County that City Council fund this program in their 1996-97 budget, however, delay any action on the particular collection system to be used.

Councilmen Hay and Cloninger saw no problem in the County's request, but did not want the implementation of the program delayed.

It was the consensus of Council to ask a representative of the Buncombe County Solid Waste Committee to be present at Council's worksession next week in order to give them an opportunity to advise the entire Council on their views of blue bag vs. bin collection.

### General Budget Comments

Ms. Leni Sitnick asked for clarification and explanation on several items throughout the budget. Mr. Wurst responded where appropriate. She felt that the

Mayor and Council salaries should be evaluated, assessed and raised to be commensurate with what the Council does for the City. She stated that, in her opinion, the way to attract and recruit is to make the place you live so wonderful that people will not want to move. That can be achieved by providing a good infrastructure, good quality of life, good schools, affordable housing, etc.

Mayor Martin closed the public hearing at 6:39 p.m.

Mayor Martin said that members of Council will be taking into consideration all the information presented at this public hearing and will vote on adoption of the 1996-97 annual operating budget on June 25, 1996.

B. CONTINUATION OF PUBLIC HEARING TO REZONE 865 HAYWOOD ROAD AND 2 DYSART STREET FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CH COMMERCIAL HIGHWAY

Mayor Martin said that this public hearing was opened on April 9, 1996, and continued until this date pursuant to a request of the petitioner's attorney Mr. Joseph Herrin.

On June 4, 1996, the petitioner's attorney sent a letter dated June 4, 1996, which reads in part: "In an effort to close the alleyways, we have contracted for two title searches to be completed on the property surrounding the alleyways. The first search revealed no problems. However, the second search, which was performed, out of an abundance of caution on our part, by an attorney, revealed a potential ownership problem on one of the tracts of property owned by Mr. Brackett which may impact both the rezoning request and the alleyway closing. We first learned of this potential issue in mid-May. ... Therefore, we respectfully request that this matter be continued until such time as the petition to close the alleyways is heard by City Council and we have an opportunity to resolve any questions regarding ownership of the tracts at issue. Or, in the alternative, ... postpone a decision on this rezoning request until such time as the alleyways closing petition is heard."

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Councilman Worley moved to continue the public hearing until August 13, 1996, without further advertisement. This motion was seconded by Councilman Sellers and carried unanimously.

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

V. CONSENT:

Councilman Skalski said that Barleys has requested that Item G. be pulled from the Consent Agenda to be discussed individually.

Resolutions & Motions:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 28, 1996, AND THE WORKSESSION HELD ON JUNE 4, 1996

B. RESOLUTION NO. 96-93 - RESOLUTION TO AWARD ANNUAL CONTRACT FOR ASPHALT MATERIALS

Summary: Seals bids were invited to furnish the City's estimated annual requirement of asphalt materials for force account re-surfacing and street report. Two bids were received. In addition to the normal considerations given

to a contract of this nature, such as specification compliance, price, service capabilities, etc., bid evaluations included consideration of the City's cost to transport materials from bidder's plant. The formula used to determine the total cost per ton simply adds transportation cost at \$.10 per ton mile for comparison of total delivered cost. Mileage used in evaluating bids was determined from the Public Works facility on South Charlotte Street to the bidder's plant for Section No. I and from specific job sites to bidder plant for Section No. II. The following recommendations are based on the lowest delivered cost as shown on the bid summary which is attached hereto as Exhibit "A". The Public Works Director and the Street Superintendent both concur in this recommendation.

Staff recommends that award of bid be made for the purchase of asphalt on an as needed basis as follows:

Section No. I - 10,000 tons Type 1-2 for Street Surface Program

Award to: The bidder with the lowest cost with consideration of transportation, APAC Carolina Inc., Asheville, N.C., at a price per ton of \$24.00 (net \$24.00 after discount).

Section No. II - 1,550 tons of assorted mixes for pavement patching

Split Award to: APAC Carolina, Asheville, N.C., at a per ton price of \$25.00 (net \$24.00 after discount) and Taylor & Murphy Construction Company, Asheville, N.C., at a per ton price of \$24.00 Mileage from job site to the nearest plant determines where to make purchase.

Net prices are equal.

RESOLUTION BOOK NO. 23 - PAGE 200

C. RESOLUTION NO. 96-94 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING DISPOSAL PARCEL 50A OF THE EAST RIVERSIDE REDEVELOPMENT PROJECT

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Summary: Disposal Parcel 50A is a CS Commercial Service lot located approximately 300 feet south of the intersection of Asheland and Hilliard Avenues comprising 6,181 square feet. The lot is generally triangular in shape and mostly flat at street level. The bid from Oak Valley Associates for Disposal Parcel 50A includes the proposal to incorporate the lot into the property currently owned by Oak Valley Associates where the offices of Asheville Women's Medical Center are located. The development proposal consists of paving, landscaping and maintaining the lot consistent with the currently owned property. Oak Valley Associates is a partnership consisting of Craigan L. Gray, Catherine M. Wilson, Stephen T. Hill, William M. Callaghan and John P. Cuellar III.

The bid of Oak Valley Associates, in the amount of \$30,900, for the purchase of

Disposal Parcel 50A in the East Riverside Redevelopment Project is not less than the established minimum price of \$30,900.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in G.S. 160A-269.

RESOLUTION BOOK NO. 23 - PAGE 202

D. RESOLUTION NO. 96-95 - RESOLUTION REQUESTING THE N.C. DEPT. OF TRANSPORTATION TO ALLOW THE OAKLEY NEIGHBORHOOD ASSOCIATION TO ERECT A GRANITE "WELCOME TO OAKLEY" SIGN ALONG THE RIGHT-OF-WAY OF U.S. 74 (FAIRVIEW ROAD) IN ASHEVILLE, N.C.

Summary: On April 30, 1996, the Oakley Neighborhood Association ("Association") asked City Council to use its influence in getting a variance from the N.C. Dept. of Transportation ("NC DOT") to erect a granite "Welcome to Oakley" sign along the right-of-way of U.S. 74 (Fairview Road). NC DOT is responsible for the construction and maintenance along said right-of-way.

The Association states that they have been "stone walled" at every attempt to get permission to install this sign. They request to locate this sign approximately 30 feet west of the intersection of U.S. 74 (Fairview Road) and Old Fairview Road and 25 feet from the edge of the sidewalk on the south side of U.S. 74 (Fairview Road).

The Traffic Engineering Division has reviewed the proposed location and the Association has guaranteed that this location will not obstruct sight distance requirements along these roadways.

The Association will be responsible for the installation and removal of this sign, as per the NC DOT requirement.

The Public Works Department recommends adoption of this resolution and that it be forwarded to the NC DOT for consideration.

RESOLUTION BOOK NO. 23 - PAGE 203

E. RESOLUTION NO. 96-96 - RESOLUTION REAPPOINTING BETH ARROWOOD AS CHAIRMAN TO THE CIVIL SERVICE BOARD

Summary: The term of Beth Arrowood as Chairman of the Civil Service Board expired on May 21, 1996. This resolution will reappoint Ms. Arrowood as Chairman of the Civil Service Board, to serve an additional two year term, term to expire May 21, 1998, or until her successor is appointed and qualified.

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RESOLUTION BOOK NO. 23 - PAGE 204

F. RESOLUTION NO. 96-97 - RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO CONVEY A CONSERVATION EASEMENT RELATED TO THE ASHEVILLE WATERSHED

Summary: This resolution will direct the publication of a required ten-day notice prior to the conveyance of the conservation easement for the Asheville Watershed.

At the June 4 City Council work session the Council indicated a willingness to move forward with the granting of a conservation easement to the Conservation Trust for North Carolina related to the Asheville Watershed. During the work session there was discussion regarding whether to go ahead and get the ten-day notice requirement out of the way before June 28, or whether to have the Council vote on the matter on June 28, following which the ten-day notice



period would run. This resolution will direct the publication of the ten-day notice so that this can occur before the anticipated meeting on June 28, but will require the adoption of an additional resolution on June 28 so as to formally authorize the Mayor to sign the easement. By following this procedure, we can go ahead and get the ten-day notice period out of the way before June 28, and still have a formal vote be taken by the City Council at the June 28 Year of the Mountains Celebration. This will hopefully allow the Mayor to actually deliver the easement to the Conservation Trust for North Carolina at the June 28 meeting, rather than having to wait for an additional period of time after that meeting.

RESOLUTION BOOK NO. 23 - PAGE 205

G. RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE DOWNTOWN ASSOCIATION'S EVENTS FOR 1996

This item was pulled off the Consent Agenda for discussion.

H. RESOLUTION NO. 96-98 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 25, 1996, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY DEPARTMENT TO DEMOLISH THE DWELLING LOCATED AT 112 BROOKLYN ROAD

RESOLUTION BOOK NO. 23 - PAGE 206

I. RESOLUTION NO. 96-99 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 25, 1996, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY DEPARTMENT TO DEMOLISH THE DWELLING LOCATED AT 3 NORTH CRESCENT STREET

RESOLUTION BOOK NO. 23 - PAGE 208

J. RESOLUTION NO. 96-100 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 25, 1996, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY DEPARTMENT TO DEMOLISH THE DWELLING LOCATED AT 349 LONDON ROAD

RESOLUTION BOOK NO. 23 - PAGE 210

K. RESOLUTION NO. 96-101 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 25, 1996, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY DEPARTMENT TO DEMOLISH THE DWELLING LOCATED AT 25 MICHAEL STREET

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RESOLUTION BOOK NO. 23 - PAGE 212

L. RESOLUTION NO. 96-102 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 25, 1996, FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY DEPARTMENT TO DEMOLISH THE DWELLING LOCATED AT 20 SPRINGSIDE DRIVE

RESOLUTION BOOK NO. 23 - PAGE 214

M. MOTION SETTING A PUBLIC HEARING ON JUNE 25, 1996, TO REDUCE THE FRONT SETBACK REQUIREMENT FOR NON-RESIDENTIAL USES IN THE R-1A, R-2, R-3, R-4 AND R-5 ZONING DISTRICTS

N. MOTION SETTING A PUBLIC HEARING ON JUNE 25, 1996, TO DEFINE RECYCLING COLLECTION CENTERS; IDENTIFY RECYCLING COLLECTION CENTERS AS A CONDITIONAL USE IN CERTAIN NON-RESIDENTIAL ZONING DISTRICTS; AND ESTABLISH CONDITIONS FOR THE DEVELOPMENT OF RECYCLING COLLECTION CENTERS

O. MOTION SETTING A PUBLIC HEARING ON JUNE 25, 1996, ESTABLISHING STANDARDS FOR TELECOMMUNICATIONS TOWERS IN ALL ZONING DISTRICTS

P. MOTION SETTING A PUBLIC HEARING ON JUNE 25, 1996, TO REZONE THREE PARCELS OFF ROCK HILL ROAD FROM R-3 MEDIUM DENSITY RESIDENTIAL TO R-5 RESIDENTIAL

Q. MOTION SETTING A PUBLIC HEARING ON JUNE 25, 1996, TO AMEND THE CURRENT FLOODPLAIN MANAGEMENT REGULATIONS TO REFERENCE A NEWLY COMPLETED STUDY WHICH DELINEATES THE FLOOD-PRONE AREAS IN THE CITY OF ASHEVILLE'S JURISDICTION

Mayor Martin said that members of Council have been previously furnished with copies of the resolutions on the Resolutions & Motions Consent Agenda and they will not be read.

Vice-Mayor Field moved to approve the Resolutions & Motions Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCES:

A. ORDINANCE NO. 2286 - ORDINANCE AMENDING THE MEMBERSHIP OF THE ASHEVILLE AREA CIVIC CENTER COMMISSION

Summary: This ordinance will include the position of the Chamber of Commerce's Director of Convention and Marketing Sales as an ex officio, non-voting, member on the Asheville Area Civic Center Commission.

ORDINANCE BOOK NO. 23 - PAGE 380

B. ORDINANCE NO. 2287 - ORDINANCE AMENDING THE MEMBERSHIP OF THE ASHEVILLE DOWNTOWN COMMISSION

Summary: This ordinance will change the terms of Commission members from two year term to three year terms. It will also take out the period of embodiment language.

ORDINANCE BOOK NO. 23 - PAGE 381

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C. ORDINANCE NO. 2288 - BUDGET AMENDMENT TO PROVIDE FUNDING FOR THE SANITATION DIVISION BRUSH COLLECTION

Summary: This budget amendment, in the amount of \$20,000, will provide brush collection on Saturdays for four weeks.

ORDINANCE BOOK NO. 23 - PAGE 382

D. ORDINANCE NO. 2289 - BUDGET AMENDMENT TO PROVIDE FUNDING FOR THE STREET DIVISION IN THE OVERTIME AND MATERIALS LINE ITEMS

Summary: This budget amendment, in the amount of \$120,000, relative to adverse weather conditions requiring the Street Division to respond.

ORDINANCE BOOK NO. 23 - PAGE 384

Mayor Martin said that members of Council have been previously furnished with copies of the ordinances on the Ordinance Consent Agenda and they would not be read.

Councilman Worley moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Councilman Skalski.

On a roll call vote of 7-0, the Ordinance Consent Agenda passed on its first

and final reading.

ITEM PULLED OFF THE CONSENT AGENDA FOR DISCUSSION

RESOLUTION NO. 96-103 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE DOWNTOWN ASSOCIATION'S EVENTS FOR 1996

Summary: Ordinance No. 2281, recently adopted by the Asheville City Council, regulates the possession and consumption of malt beverages and/or unfortified wine on public property. One provision of this new ordinance states that such possession/consumption is permitted at a community event or festival, but only if the Asheville City Council has adopted a resolution making provisions for this possession/consumption.

This resolution would provide for the possession and consumption of malt beverages and/or unfortified wine for ADA's 1996 events as listed in the resolution. The resolution provides for the location and times for each of the events.

The co-owner of Barleys stated that they do support Ordinance No. 2281; however, they do not support Resolution No. 96-74 adopted by Council on May 14, 1996. He urged council to reconsider said resolution which restricts the possession and consumption of alcohol to only certain areas of the Bele Chere Festival area.

Councilman Hay said it was his understanding that the Bele Chere Board is meeting on this issue and will be coming back to Council with a recommendation.

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

Vice-Mayor Field moved for the adoption of Resolution No. 96-103. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 216

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VI. OTHER BUSINESS:

A. GROUP DEVELOPMENT

City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission ("Commission") relative to group developments at the next scheduled regular meeting of the City Council. 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. The following actions were taken by the Commission on June 5, 1996:

Hall Fletcher Elementary School located on Garden Circle

Mr. Carl Ownbey, Urban Planner, said that this proposed project is for classroom expansion for the existing elementary school located on Garden Circle in West Asheville. The proposed project will be a three story, 14,000 square foot structure adjacent to the existing school.

On May 6, 1996, the Planning Department received the site plan for the proposed elementary school expansion. The proposed construction will be 14,000 square

feet of classrooms and administrative offices designed to meet the state guidelines for classroom size. The site plan was presented to the Technical Review Committee on May 13, 1996 for their comments.

On June 5, 1996, the Commission reviewed the site plan and opened the meeting for public comment. Only one individual from the neighborhood spoke and questioned why the school was expanding since the student enrollment of the school was decreasing. The architect for the project explained the reason for the expansion, which is to meet state standards for elementary classroom size, and how this project effected student enrollment.

The Commission voted unanimously to approve the project with five conditions and the Planning Staff recommend approval of the Hall Fletcher Elementary School expansion with the following five conditions:

1. Obtain a Conditional Use Permit from the Board of Adjustment;
2. Acquire driveway permits for the parking lot;
3. Letter from Water Resources Department to determine the intent for an additional water tap;
4. Letter from MSD on sewer service availability; and
5. Letter from Fire Department on adequate water flow for fire protection.

Ms. Leni Sitnick urged Council to remember when site plans come before Council for approval, that they make sure the site plan has been reviewed by the Tree/Greenway Commission.

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

#### B. CLAIMS

The following claims were received by the City of Asheville during the week of May 17-30, 1996: James Plummer (Water), Ricky Ingle (Streets), Harry Hunter (Sanitation), Roberta Lipe (Parks & Recreation), Bell South (Water), Marvin and Julie Thompson (Water), Dan Black (Water), and Crescent View Retirement Center (Water).

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The following claims were received from May 21 - June 6, 1996: Catherine Donley (Parks & Recreation), Michael D. Ayers (Streets) and Michael Marion (Streets).

These claims will be referred to Asheville Claims Corporation for investigation.

#### CLOSED SESSION

At 7:00 p.m. Councilman Cloninger moved to go into closed session, as authorized by G.S. 143-318.11 (a) (6) to consider the performance of an individual officer or public employee. This motion was seconded by Vice-Mayor Field and carried unanimously.

At 8:27 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Worley and carried unanimously.

#### VII. ADJOURNMENT:

Tuesday - June 11, 1996 - 5:00 p.m.

Mayor Martin adjourned the meeting at 8:27 p.m.

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CITY CLERK MAYOR

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