

Tuesday - March 11, 1997 - 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 Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Hay gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MARCH 13-14, 1997, AS "WALKABLE COMMUNITIES CONFERENCE DAYS"

Mayor Martin read a proclamation proclaiming March 13-14, 1997, as "Walkable Communities Conference Days" in the City of Asheville. He presented the proclamation to Mr. Gerry Hardesty, Co-Chairman of the Walkable Communities Conference, who briefed the Council on what will be happening during the conference.

B. PROCLAMATION PROCLAIMING THE WEEK OF MARCH 17-23, 1997, AS "20TH ANNIVERSARY 'HI NEIGHBOR' WEEK"

Mayor Martin read a proclamation proclaiming the week of March 17-23, 1997, as "20th Anniversary 'Hi Neighbor' Week" in the City of Asheville. He presented the proclamation to Mr. Keith Murlless, President of the Asheville Volleyball Club, who briefed the Council on some activities taking place during the week.

Councilman Worley noted that this event has a substantial economic impact on the City of Asheville.

C. PROCLAMATION PROCLAIMING MARCH 22, 1997, AS "UNITY IN DIVERSITY DAY"

Mayor Martin read a proclamation proclaiming March 22, 1997, as "Unity in Diversity Day" in the City of Asheville. He presented the proclamation to Ms. Johnice who briefed the Council on some activities taking place during that day.

D. PROCLAMATION PROCLAIMING THE WEEK OF MARCH 24-30, 1997, AS "COMMUNITY DEVELOPMENT WEEK"

Mayor Martin read a proclamation proclaiming the week of March 24-30, 1997, as "Community Development Week" in the City of Asheville. He presented the proclamation to Mr. Marvin Vierra, Director of Community Development, who briefed the Council on some activities taking place during the week.

Councilman Hay said that he was pleased to be a part of the Housing & Community Development Committee in that it gives him a real good glimpse of what is going on in our community. He said that the City has many capable organizations and it will be a hard decision for him to portion out the available CDBG funds.

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II. CONSENT:

Resolutions & Motions:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 25, 1997, AND THE WORKSESSION HELD ON MARCH 4, 1997

B. RESOLUTION NO. 97-32 - RESOLUTION TO AWARD CONTRACT FOR WATER METERS

Summary: Recommendation for award of Bid Request No. 462-97, to establish a purchase contract for furnishing the City's estimated two year requirement of 5/8 inch and 1 inch water meters less trade-in of used meters.

Pursuant to N.C.G.S. sec. 143-129 and 160A-268, and in compliance with the City's Minority Business Plan, sealed bids were received to establish a two year term purchase contract for the estimated requirement of 8,000 each 5/8 inch and 200 each 1 inch water meters, less trade-in of equal quantities of scrapped 5/8 inch and 1 inch meters. These meters will be purchased as needed and maintained in Central Stores inventory in support of the Water Resources Department's meter change out program and new installations. Three bids were received as shown below:

Schlumberger Ind. Inc., Roswell, GA \$451,000

ABB Water Meters, Ocala, FL \$520,300

Sensus Tech, Inc., Uniontown, PA \$611,370

Bids have been reviewed for compliance to specifications by Liz Calloway, Customer Services Division, and Mike Holcombe, Water Resources Department, and their concurrence received in the following recommendation.

Subject to Council's approval, it is recommended that the City enter into a purchase contract with the low bidder, Schlumberger Industries, Inc., Roswell, Georgia, for the purchase of 8,000 each 5/8 inch water meters at \$58.30 each with a trade-in allowance for 8,000 each old 5/8 inch water meters at <\$4.00> each; and 200 each 1 inch water meters at \$92.00 each with a trade-in allowance for 200 each old 1 inch water meters at <\$9.00> each for a total net bid of \$451,000.00.

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C. MOTION SETTING A PUBLIC HEARING AT 5:00 P.M. ON MARCH 26, 1997, IN THE BANQUET ROOM OF THE ASHEVILLE CIVIC CENTER TO CONSIDER THE TEXT FOR THE UNIFIED DEVELOPMENT ORDINANCE

D. MOTION SETTING A JOINT PUBLIC HEARING WITH THE ASHEVILLE PLANNING & ZONING COMMISSION AT 5:00 P.M. ON APRIL 23, 1997, IN THE BANQUET ROOM OF THE ASHEVILLE CIVIC CENTER TO CONSIDER THE NEW ZONING MAPS FOR THE UNIFIED DEVELOPMENT ORDINANCE

E. RESOLUTION NO. 97-33 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH BUCKEYE CONSTRUCTION COMPANY FOR THE LOUISIANA AVENUE SEWER IMPROVEMENTS PROJECT

Summary: The consideration of a change order for the North Louisiana Avenue work performed by contractor requested by N. C. Dept. of Transportation.

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The City Council awarded a bid for sanitary sewer improvements on August 27, 1996, for the North Louisiana Avenue Sewer Improvements. These funds were to be used for sanitary sewer improvements along North Louisiana Avenue.

The Engineering Department has administered the contract for the installation of the sewer line along North Louisiana Avenue. The construction of this project is now complete. Due to the pavement restoration requirements of the N.C. Dept. of Transportation for the sanitary sewer line in the roadway, and elevation conflicts with an existing storm drainage pipe this addition of materials, equipment and labor associated with the added work, staff requests an increase in the total project costs to \$45,945.00. The total project cost including this change order is \$220,945.10.

Staff recommends that City Council accept this change order and approve the separate item for appropriation of funds for the North Louisiana Sewer Improvements and authorize the City Manager to execute all necessary documents for the contract close out.

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F. RESOLUTION NO. 97-34 - RESOLUTION CALLING FOR A PUBLIC HEARING ON MARCH 25, 1997, TO DEMOLISH 14 MICHIGAN AVENUE

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G. RESOLUTION NO. 97-35 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ST. PATRICK'S DAY FESTIVAL

Summary: The consideration of a resolution to allow for consumption and possession of malt beverages and/or unfortified wine at the St. Patrick's Day Festival.

North Carolina General Statute sec. 18B-300 (c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on public streets, and on public property owned, occupied or controlled by the City of Asheville. The Asheville City Council has adopted an ordinance pursuant to the statutory authority. Section 11-11 of Code of Ordinances provides that the City may adopt a resolution making other provisions at special events and community festivals. The 1997 St. Patrick's Day Committee and the Parks and Recreation Department recommend that possession and consumption of malt beverages and/or unfortified wine be allowed at the 1997 St. Patrick's Day Festival.

The Parks and Recreation Department recommends that City Council adopt a resolution allowing for consumption and possession of malt beverages and/or unfortified wine at the St. Patrick's Day Festival.

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H. MOTION SETTING A PUBLIC HEARING ON MARCH 25, 1997, TO REZONE A PORTION OF 1899 HENDERSONVILLE ROAD FROM R-2 MEDIUM DENSITY RESIDENTIAL TO OB OFFICE BUSINESS DISTRICT

I. MOTION SETTING A PUBLIC HEARING ON MARCH 25, 1997, TO AMEND THE ZONING ORDINANCE RELATIVE TO THE LOCATION AND INSTALLATION STANDARDS OF TELECOMMUNICATIONS TOWERS

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J. MOTION SETTING A PUBLIC HEARING ON MARCH 25, 1997, TO AMEND THE ZONING ORDINANCE TO ESTABLISH A NEW OFFICE DISTRICT

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 for the adoption of the Resolutions & Motions Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCE:

A. ORDINANCE NO. 2347 - BUDGET AMENDMENT RELATIVE TO THE NORTH LOUISIANA AVENUE SEWER IMPROVEMENT PROJECT

Summary: This project was budgeted in the Fiscal 1996/97 Capital Improvement Plan at \$175,000, and an additional appropriation of \$45,945 is needed to fund change orders.

This project was included for funding in the Fiscal 1996/97 Wastewater Extension Plan in the amount of \$175,000. A change order to the contract for construction of this line is being presented to City Council for approval. Additional funding is requested totaling \$45,945 to complete the project. Funding is available in the Sewer Extension Fund fund balance.

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Mayor Martin said that members of Council have been previously furnished with a copy of the ordinance on the Ordinance Consent Agenda and it will not be read.

Councilman Worley moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Vice-Mayor Field.

On a roll call vote of 7-0, the Ordinance Consent Agenda was adopted on its first reading.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO CONSIDERATION OF PURCHASE OF SHILOH COMMUNITY CENTER PROPERTY

RESOLUTION NO. 97-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NOTE AND DEED OF TRUST FOR THE PURCHASE OF THE PROPERTY

Mayor Martin opened the public hearing at 5:18 p.m.

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

Mr. Irby Brinson, Director of Parks & Recreation, said that this resolution would authorize the City Manager to execute an installment contract and other documents for the purchase of the property on which the Shiloh Center is located.

The Buncombe County Board of Education now owns the property on which the Shiloh Community Center is located and the City has been leasing that property since December 1, 1976. The City of Asheville desires to purchase this property for its continued use for the Shiloh -5-

Community Center and The Buncombe County Board of Education has agreed to sell the property to the City and has agreed to finance the purchase price for this property over a five (5) year period. The Buncombe County Board of Education will hold a security interest in the property until payment in full. Pursuant to N. C. Gen. Stat. sec. 160A-20, a public hearing will be held on March 11, 1997, for the purpose of hearing public comments regarding the purchase of real property by installment contract.

This resolution would authorize the City Manager to execute an installment contract, in the form of a promissory note and deed of trust, and related documents for the purchase of this property. The purchase price will be \$250,000, payable in five annual installments of \$50,000, commencing in Fiscal Year 97/98. Payments will be secured by a deed of trust for the property to the benefit of The Buncombe County Board of Education.

The Parks and Recreation Department and the City Attorney's Office recommend adoption of this resolution.

Mayor Martin closed the public hearing at 5:20 p.m.

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

Councilman Skalski moved for the adoption of Resolution No. 97-36. This motion was seconded by Vice-Mayor Field and carried unanimously.

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IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:

A. MOTION RELATIVE TO THE 1997 SUMMER YOUTH PROGRAM

Ms. Roxie Wynn, Assistant Personnel Director, said that staff is requesting that City Council determine, by March 31, whether a Summer Youth Program will be funded in FY 97-98.

Asheville City Council has appropriated up to \$100,000 annually since 1992 to fund a Summer Youth Program. The program's purposes have been to employ "at-risk" City youth and to promote positive work ethics and healthy lifestyles. To qualify, applicants needed to be 14 - 18 years of age, a resident of Asheville and a student in a public or private school system. In 1992, the applicant's gross income was also considered.

Ms. Wynn then reported that on March 6, 1997, she has met with Rev. L. C. Ray, President/ CEO, Robbie Williams, Director and Matthew Bacoate of the One Youth At a Time Program (OYAAT). They discussed OYAAT and the City's Summer Youth Program (SY).

The following summarizes the features of the two programs.

1. OYAAT is a job training and placement program.

SY is a youth employment and on-the-job training program.

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2. OYAAT is a 10 week program starting 3/31/1997 and ending 6/6/97.

Another class starts 8/11/97 and ends 10/17/97.

SY is an 8 week program starting 6/16/97 and ending 8/8/97 (It coincides with and supports the City's Parks and Recreation Summer Program).

3. OYAAT targets youth in school, drop-outs and young adults (up to age 25).

SY targets youth ages 14 - 19, currently in school.

4. OYAAT targets at risk youth and delinquent youth.

SY targets at risk youth.

5. OYAAT's target is 17 youth (first class) and 12 young adults (second class).

SY's target is 100 youth.

6. OYAAT obtain referrals from the Juvenile Courts, Schools, Juvenile Detention Centers, Churches, Homes and Individuals.

SY obtains referrals from the community-at-large via schools and any other source.

7. OYAAT uses income guidelines as a criteria to select participants.

SY does not use income guidelines as a criteria to select participants; it is open to all City residents.

8. OYAAT is an independent non-profit 501 (c) 3 program.

SY is a City sponsored program.

Staff recommends the adoption of Option A (Funding the program at \$100,000 or some lower amount) with the following conditions:

1. Designate at least three (3) slots/placement from OYAAT's June 6, 1997, graduates to work in the City's Summer Youth Program. These youth will go through the same recruitment and selection procedures as other participants.

2. Incorporate applicable sections of the OYAAT training curriculum into the SY training component and hire their instructors, if possible.

3. Evaluate the OYAAT and SY partnership efforts for future consideration by September 30, 1997.

Mayor Martin was pleased with the outcome of working with OYAAT. It showed that the City does make an effort to improve the Summer Youth Program.

All of Council expressed their appreciation to Ms. Wynn for working with Rev. Ray on this program.

Councilman Cloninger moved to fund the City's 1997 Summer Youth Program at \$100,000 with the above-mentioned three conditions recommended by staff. This motion was seconded by Councilman Worley and carried unanimously.

B. RESOLUTION NO. 97-37 - RESOLUTION AMENDING THE FEES AND CHARGES MANUAL TO WAIVE THE SIGN FEES AMNESTY PERIOD

Planning & Development Director Julia Cogburn said that this is consideration

of a resolution amending the Fees and Charges Manual of the City Of Asheville to waive permit fees for a sixty-day period for -7-

those nonconforming signs still needing to come into compliance with Appendix A - Zoning of the Code of Ordinances of the City of Asheville

The City of Asheville's Planning and Development Department has initiated the final phase of enforcement of the nonconforming sign amortization provision (City Code sec. 30-9-10) of the City's Zoning Ordinance. This provision, adopted in August, 1990, requires that some nonconforming signs come into compliance by August 28, 1995. The City is providing individuals and businesses whose signs are subject to this

provision with notification of their nonconformity and is requiring that nonconforming signs be brought into compliance within 30 days.

The Fees and Charges Manual of the City of Asheville requires that all signs being altered or erected receive a sign permit and pay a sign permit fee of \$1.50 per square foot with a minimum of \$25. There was a provision on the ordinance adopted in 1990 giving businesses and individuals a three year window of time to change their signs without paying a fee. We have received a number of calls of concern from people who have received their notice that they are having to go through the expense of changing their signs and also paying the permit fee. Staff recommends that this fee be waived for those who receive a notice of noncompliance and obtain a permit to bring the signs into compliance within a 60 day period.

This 60 day "amnesty" period is for the permit fee only. The way that the notice and our process is proceeding is that you receive 30 days to come into compliance and after those 30 days you will be cited. That citation does have a fine. The 60 day period does not apply to the fine - it only applies to the permit fee. The 60 day "amnesty" period begins upon receipt of the notice of noncompliance.

She asked that people calling the "hot line" for information on this subject has been enormous and she asked that they be patient. If an appointment is scheduled with staff, the date that appointment is scheduled will stop the clock on the time requirements.

This resolution amends the Fees and Charges Manual of the City of Asheville to provide for this limited fee waiver.

Ms. Cogburn asked that the 60 day period run from the date of the receipt of the notice concerning nonconformity.

Upon inquiry of Councilman Hay, Ms. Cogburn said that the notices sent out are computer generated, and that the notices are not sent out by zip code.

Mayor Martin 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. 97-37. This motion was seconded by Councilman Sellers and carried unanimously.

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VI. OTHER BUSINESS:

GROUP DEVELOPMENTS

On May 7, 1991, 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 -8-

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 March 5, 1997:

Expansion of Ingles located at South Forest Shopping Center

Mr. Bruce Black, Urban Planner, said that this is a proposal to enlarge the Ingles grocery store at South Forest Shopping Center from 37,760 square feet to 62,800 square feet.

The South Forest Shopping Center was built in 1979. The proposed site plan meets all site review requirements except those of parking space provision and parking lot landscaping.

The applicant is showing provisions for 478 parking spaces. The pre-expansion size of the center, approximately 93,880 square feet of retail space, currently requires 470 parking spaces. The current City Code requires 563 spaces in order for the center to be brought into conformance for the total sales area after expansion. The applicant is asking for a variance.

The existing parking lot has no islands for parking lot tree planting. The Asheville City Code requires that with any expansion, the entire project be brought in to compliance, thus requiring for this project that a minimum of 19 trees be planted in islands in the parking lot, and that 19 more be planted around the perimeter of the parking area. The applicant proposes to plant the trees that would otherwise be planted in parking lot islands around the perimeter of the parking lot. The applicant is asking for a variance to this requirement.

The applicant is also required by the City Ordinance to install a buffer along the northern property line of the residential use on the southern boundary of the property. The buffer requirement is either a 20 foot vegetated buffer or a 5 foot visual buffer with a 6 foot visual screen.

The Planning and Zoning Commission has recommended approval of the parking lot variance. They recommended denial of the parking lot landscaping variance as presented, but rather changed the language to "that the parking lot tree variance be changed to a request for landscaping islands."

They have also recommended requiring the buffer (either the 20 feet vegetated buffer or a 5 foot visual buffer with a 6 foot visual screen) at the northern edge of the residential use on the southern boundary of the property, and that the striped areas at the southern entrance be raised concrete medians rather than the stripped areas shown on the plan as recommended by the Traffic Engineer.

Vice-Mayor Field was concerned that if Ingles were to put the landscaping in the parking lot, they would have to delete parking spaces. Therefore, we basically have two opposing regulations - one requiring the landscaping and the other requiring a certain number of parking spaces.

Councilman Worley moved to set a public hearing on March 25, 1997, to consider the following items for the proposed expansion of Ingles located at South Forest Shopping Center at 780 Hendersonville road: (1) the approval of a site plan; (2) and the following variances: (a) reduction in the number of required

parking spaces; and (b) variance in -9-

the location and planting requirements for parking lot trees. This motion was seconded by Vice-Mayor Field and carried unanimously.

Addition of New Assisted Living Facility at the Givens Estates

Councilman Skalski moved to excuse Councilman Cloninger from considering this matter due to a conflict of interest because his firm represents Givens Estate. This motion was seconded by Vice-Mayor Field and carried unanimously.

Mr. Mike Matteson, Urban Planner, said that this a consideration of a proposal for construction of a nursing home on the Givens Estate.

The City has received a proposal for the construction of a nursing home on the Givens Estate. The nursing home will have a total of 84 beds and 44,800 square feet. The entire Givens Estate campus consists of 165 acres and is zoned Office Institutional (OI). The project meets all group development requirements. Letters of approval have been received from the Water Resources Department, the Fire Department and MSD.

Staff has received no comments in opposition to this group development.

The Planning and Development Department staff recommends approval of the group development with no conditions.

At their March 5, 1997, meeting, the Planning and Zoning Commission voted unanimously to recommend approval the group development with no conditions.

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

University Place to be located on Barnard Avenue

Mr. Mike Matteson, Urban Planner, said that this is a consideration of a proposed project consisting of 24 two- and three-bedroom apartments to be constructed on Barnard Avenue.

This proposal was before Council in November, 1996, at which time Council accepted the Planning & Zoning Commission's recommendation of denial for the group development. They have since revised their plans somewhat and attempted to address the reasons for denial. That's the reason it is back before Council today.

The proposal is for 24 apartments to be housed in two separate buildings on the site. The property total is approximately 2.75 acres and is zoned R-3. The original proposal called for all 24 units to be 4 bedroom units. The revised proposal is an equal mix of 2 and 3 bedroom units. The total number of bedrooms has been reduced from 96 to 60 and correspondingly the amount of parking has been reduced as well.

One of the reasons for the initial denial was that they did not indicate the required recreational areas on the site plan. Those plans have been revised to reflect that recreational area. Additionally traffic has been a major concern throughout this project and the developer has hired a traffic engineering consultant who has done a report regarding the impact of this development on the adjacent roadway system. The report has indicated that there would not be a significant impact on the adjacent roadways. The site plan does meet all of the

zoning and group development requirements, and because of that, staff's recommendation is approval of the group development.

At the Planning & Zoning Commission meeting on March 5, 1997, the Commission voted 4-3 to recommend denial of the group development based on public health, safety and welfare issues. There is significant opposition to this project and many people did voice their concerns at the Commission's public hearing.

Upon inquiry of Vice-Mayor Field, Mr. Matteson said that the traffic engineering consultant reported his findings at the Commission's public hearing.

When Mayor Martin asked on what reasons did the Commission deny the group development, Mr. Matteson said that the Commission's motion simply indicated that they would deny based on health, safety & welfare issues.

City Attorney Oast said that our ordinance does state that when the Planning & Zoning Commission or the City Council denies approval of a group development, they do have to specify the reasons for denial. He has not had an opportunity to review the Planning & Zoning Commission minutes from that meeting in order to address Council's concern.

Councilman Worley moved to set a public hearing on March 25, 1997. This motion was seconded by Councilman Skalski and carried unanimously.

APARTMENTS ON VIRGINIA AVENUE - REQUEST FOR WATER LINE

Mr. Dick Rice, representing the West Asheville Community League, said that they were pleased that the Housing Authority is planning to build single family houses on their property on Virginia Avenue and that the houses would be sold to current residents of the projects. This property will once again be on the tax rolls (it's been off the rolls since 1992) and it will help the purchasers of these homes to gain the pride of ownership.

They do, however, request a new water line be installed down Virginia Avenue that would provide the fire flow needed to protect the new residents as well as the current residents. The current water line is 50-70 years old and he's been told it's 2" (but he thinks it's probably 4"). Two houses have already been lost to fire. The work done on the water lines on Hudson Street may have increased the pressure, but not the fire flow or volume of water. This neighborhood has been somewhat at risk ever since the construction of I-240 cut it off from the main water line on Amboy Road. Merely increasing the pressure on the old water lines may cause more breaks. Currently there are approximately 49 patches on Virginia Avenue where the water line had to be fixed. There may be a few gas line patches.

He understood that Council was informed on the recent bus tour by the Housing Authority that the water situation had been taken care of and that Fire Chief Rukavina had approved the project. Since that time he has talked with Chief Rukavina who said he hadn't heard about the project. He then talked to Mr. Mike Holcombe who said that no other work had been done since Hudson Street and that no other work was planned. Mr. Holcombe said that the work on Hudson Street had increased the pressure but it's volume that is needed, not pressure.

Nothing has changed since the 28 unit project was denied. Virginia Avenue is still narrow with parked cars, there are no -11-

sidewalks, the traffic is still heavy and most importantly, there is not enough water to fight fires.

Brotherton is a dead-end street and when I-240 is widened, Virginia Avenue will also become a dead-end street. That will make it increasingly difficult for fire trucks and other emergency vehicles to service the area.

They are asking for a new water line to be laid down Virginia Avenue before the proposed project is allowed to proceed. They are also asking that the number of new homes be reduced from the 25-30 mentioned to 10-15 even though the zoning would permit more. Also, recently HUD announced that housing authorities could designate projects for senior citizens. We ask that that be done since there will be no place for children to play but in the street.

We hope that common sense and rational thinking will make this improvement to the neighborhood safe and free from a fire tragedy.

Councilman Cloninger appreciated Mr. Rice for bringing this matter to Council's attention and noted that the City will know more when testing is completed.

Councilman Sellers noted that he has received a letter from Mr. Rob Dame, resident at 163 Virginia Avenue, in support of the Housing Authority proposal with some contingencies.

Upon inquiry of Councilman Sellers, Ms. Julia Cogburn, Planning & Development Director, said that this project will have to go through the subdivision process at which time she will voice Council's concerns. She also noted that she would facilitate a meeting with the Housing Authority and the neighborhood on this proposal.

COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop, resident of the City of Asheville, asked the City Attorney for "a copy of a Supreme Court law that said that the Council does not have to keep full and accurate minutes of the Council proceedings as set forth in 160A-72 of the State Law." City Attorney Oast said that he would be happy to furnish Mr. Bishop with a copy if he would come to his office anytime the next day.

CLAIMS

The following claims were received by the City of Asheville during the week of February 21-27, 1997: Essroc Materials (Civic Center), Perrie Merrill (Water) and Donna Angel (Civic Center).

The following claims were received during the week of February 28-March 6, 1997: Ruby Tweed (Water), Ernest Lindsey (Streets), Diane Adams (Streets), Linda Osborne (Water), Sam Interlicchia (Streets), Ethel Buckner (Streets), Mary Huntsinger (Parks & Recreation) and Dyric Brooks (Streets).

These claims have been referred to Asheville Claims Corporation for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:56 p.m.

CITY CLERK MAYOR
