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Tuesday - April 23, 1991 - 4:00 P.M.

Regular Meeting, Asheville Civic Center Banquet Room

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

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate

City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Bratton arrived at 4:35 PM

INVOCATION

The invocation was given by Councilman Ellison.

APPROVAL OF MINUTES

Mayor Michalove announced that approval of the minutes of the April 9, 1991 meeting would be postponed until the next meeting.

Mayor's Award to Carolina Power and Light Company

Mayor Michalove presented Charles Dyson, with Carolina

Power and Light Company, a Mayor's Greenway Award for their generous offer of property on the French Broad River for a park.

He said he was implementing a Mayor's Award Program and this was the first award to be presented.

Resolution No. 91-60 - Resolution authorizing the acceptance of a deed from Carolina Power and Light Company for property along the French Broad River.

Mayor Michalove said this resolution will authorize the

Mayor to accept a deed from Carolina Power and Light Company for property along the French Broad River for such uses as identified in the Riverfront Plan.

Upon motion of Councilman Frank, seconded by Vice-Mayor

Moore, Resolution No. 91-60 was unanimously adopted.

Resolution Book No. 18 - Page 390

I. PROCLAMATIONS:

A. Proclamation - "Respect for Law Week" - May 1 - 7, 1991

Mayor Michalove proclaimed the week of May 1 - 7, 1991 as "Respect for Law Week" and presented a copy to Pete Bradley with the Asheville Police Department.

B. Proclamation - "Prayer Day" - May 2, 1991.

Mayor Michalove proclaimed May 2, 1991 as "Prayer Day".

C. Proclamation - "Volunteer Week" - April 21 - 27, 1991

Mayor Michalove proclaimed the week of April 21 - 27, 1991 as "Volunteer Week".

D. Proclamation - "Proud and Free" - April 27, 1991

Mayor Michalove proclaimed April 27, 1991 as "Proud and Free" and presented a copy to Russ Mallard.

E. Proclamation - "Points of Light - Celebration of Service " -

April 15 - April 26, 1991

Mayor Michalove proclaimed April 15 - 26, 1991 as "Points of Light - Celebration of Service".

F. Presentation of Distinguished Budget Presentation Award.

The City Manager said the Government Finance Officers

Association presented a Distinguished Budget Presentation Award to the City of Asheville, North Carolina for its annual budget for the fiscal year beginning July 1, 1990. He recognized and presented the award to Bob Wurst, Audit and Budget Director.

G. Presentation of Certificates to City Manager Intern David Adams and Corrine Meade.

The City Manager presented certificates to City Manager

Interns David Adams and Corrine Meade.

H. Resolution No. 91-54 - Resolution of appreciation for recent retiree, Johnnie Crouch.

Police Chief Beavers read the resolution stating that Mr.

Crouch has been employed by the City of Asheville since May, 1966. He said Mr. Crouch served in the Patrol and

Detective Division of the Police Department. He earned the respect of his peers and subordinates through his calm demeanor and even handling of situations.

Upon motion of Councilman Price, seconded by Councilman

Frank, Resolution No. 91-54 was unanimously adopted.

Resolution Book No. 18 - Page 383

Mayor Michalove presented the resolution to Mr. Johnnie

Crouch.

I. Resolution No. 91-55 - Resolution of appreciation for recent retiree, Wayne Warren.

Mayor Michalove read the resolution stating that Mr. Warren

has been employed by the City of Asheville since March, 1975. He said Mr. Warren served most of his career in the Patrol Section. He was assigned to the Criminal Investigation Division for two years where he served as an Evidence Technician.

Upon motion of Councilman Price, seconded by Councilman

Frank, Resolution No. 91-55 was unanimously adopted.

Resolution Book No. 18 - Page 384

J. Resolution No. 91-56 - Resolution of appreciation for recent retiree, Thomas Holcombe.

Police Chief Beavers read the resolution stating that Mr.

Holcombe has been employed by the City of Asheville since August, 1952. He said Mr. Holcombe served in the Juvenile Unit of the Criminal Investigation Division for over 16 years and received numerous commendations for his outstanding work. He constantly was doing extra things to help the children so that it became known that if a young person needed help, they should go to Tom Holcombe. He was known, respected, and loved by his peers, his commanding officers, but more importantly, by the children he served.

Upon motion of Councilman Price, seconded by Councilman

Frank, Resolution No. 91-56 was unanimously adopted.

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Mayor Michalove presented the resolution to Mr. Thomas

Holcombe.

K. Resolution No. 91-57 - Resolution of appreciation for recent retiree, Doug Ingle.

Mayor Michalove read the resolution stating that Doug Ingle

has been employed by the City of Asheville since August, 1967. He said Mr. Ingle has been instrumental in developing the Containerized Collection Routing Plan for Sanitation Area No. 1. He developed a high degree of respect and promoted the City of Asheville in a very professional manner through his contacts with residents in Sanitation Area No. 1.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, Resolution No. 91-57 was unanimously adopted.

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II. PUBLIC HEARINGS:

B. Public hearing relative to Civil Service Rule.

Mayor Michalove opened the public hearing at 4:30 p.m.

The City Clerk presented the notice to the public setting

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

The City Attorney said the Civil Service Board on March 6,

1991, adopted a new rule which provides for a City employee who sustains a work-related injury and who is no longer capable of performing the duties required in his or her regular job be permanently assigned without competitive examination to another position for which the employee is vocationally and physically suited in the Classified Service of the City of Asheville. Pursuant to law, the City Council must approve or disapprove, and may amend, the rule, following a public hearing. This resolution provides for approval of the rule as adopted by the Civil Service Board.

Councilman Bratton arrived at 4:35 p.m.

The City Attorney said after meeting with the employees it

was suggested that the following two sentences be added to

the rule:

1) Provided, however, that in the event that more than one

job classification is available for which the employee is vocationally and physically suited, the employee shall be allowed to choose the position in which he is to be placed, if feasible.

2) Provided, further, that where a position is available

within the employee's existing department for which the employee is vocationally and physically suited, the employee shall be allowed to remain within that

department if feasible.

The City Attorney said these actions would have to have the

approval of the Personnel Director, the City Attorney, and the Civil Service Board.

David McFee, with the Asheville Fire Department, spoke in

opposition to the new rule stating that worker's compensation is governed by the state legislature and should remain

that way. He said whether an employee takes on a new position should be the employee's choice since worker's compensation is a benefit to the employee and the employee is entitled to the benefits without being forced to take another position in which the employee may not want.

Ralph Bishop questioned who would determine if the employee could perform the new task.

Glen Holbert, speaking on behalf of the Asheville

Firefighter's Association, spoke in opposition to the proposed rule. He said the Civil Service Board only approved the rule on a 3-2 vote.

A discussion was held relative to whether or not an employee would have to take a position that was demeaning.

Councilman Ellison suggested that a provision be put in the rule that no employee shall be forced to take a position that would be demeaning. He said since the City is treading on new ground that he would also suggest that the staff check with other cities and private industry to see if they have such provisions.

Mayor Michalove closed the public hearing at 5:25 p.m.

Vice-Mayor Moore moved to table the issue until a staff report can be brought back to Council as to what other cities and private industry provides relative to worker's compensation (matter to be brought back to Council within 30 days). This motion was seconded by Councilman Bratton and carried unanimously.

A. Public hearing relative to annexation of an area generally known as the Brevard Road Area.

Mayor Michalove opened the public hearing at 5:26 p.m.

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

Patty Tallerday, Senior Planner, said N. C. Gen. Stat. sec.

160A requires the City to hold a public hearing relative to the proposed annexation at least ten (10) days prior to the adoption of an ordinance for the annexation.

She said the area proposed to be annexed is developed for urban purposes as defined by the N. C. General Statutes and meets the state guidelines for annexation.

By the use of a map, she described the boundaries proposed to be annexed. She said upon the effective date of annexation the City will provide to the area the same level of City services as is provided presently in the City of Asheville with the exception of water and sewer services

which will be in place within two (2) years.

She explained the Plan for the Extension of Major

Municipal Services in the Brevard Road Area and stated that copies of the plan for services were available at the public hearing, as well as at the City Clerk's Office.

Debra Bridges asked staff questions relative to the services

that would be provided such as where street lights would be installed and speed limits on the streets.

Paul Martin Jones, Brevard Road, spoke in opposition to the annexation.

Ray Bridges, 683 Brevard Road, spoke in opposition to the annexation stating that the annexation may be legal but it is not right.

Brett Williams, 673 Brevard Road, spoke in opposition stating that the residents would not receive any benefits from the City.

A resident from 26 Dogwood Road also spoke in opposition.

Mayor Michalove closed the public hearing at 6:00 p.m.

Mayor Michalove said the first reading of the ordinance

would be on May 7, 1991 and the second and third reading would likely be on May 21, 1991.

C. Continuation of a public hearing relative to closing an unnamed alley running west off Oaklawn Avenue.

Resolution No. 91-58 - Resolution to close an unnamed alley running west off Oaklawn Avenue.

Mayor Michalove said this public hearing was continued from the April 19, 1991 meeting.

Mala Rao, Planner, said this matter was taken before the

Board of Adjustment in October, 1990 and the Grace Episcopal Church was granted a 30' variance with a buffer along the street in order for the church to construct a parking lot. She said since the church had not started their project within six (6) months of the variance it is now necessary for the church to go back before the Board of Adjustment. She said this matter is scheduled to be heard again by the

Board of Adjustment on May 6, 1991.

Bill Mull again opposed the closing of the unnamed alley

stating that the demolition of the building on the existing church parking lot will diminish his view and cause his property values to decrease. He requested that this matter be continued until after the Board of Adjustment meeting on

May 6, 1991.

At the request of Mayor Michalove, the City Attorney said that the question before the Council is whether

the closing of the unnamed alley denies reasonable access to any properties in the vicinity.

Larry Harris, with the Grace Episcopal Church, said the

closing of the alley is necessary for the planting of a buffer strip. He said the closing does not deprive anyone access to their property.

Mayor Michalove closed the public hearing at 6:15 p.m.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Ellison, seconded by

Councilman Frank, Resolution No. 91-58 was unanimously adopted.

Resolution Book No. 18 - Page 387 - 388

Councilman Ellison commented that Mr. Mull has another

avenue to protect his interest in this closing and the

actions planned by the church.

III. OLD BUSINESS:

A. Ordinance No. 1907 - Ordinance relative to annexation of area known as Haw Creek II Area.

The City Manager said the staff met with residents in

Sondley Estates relative to the improvements planned for the streets in the area. He said the residents also commented on the timing of the annexation as far as tax

bills are concerned. He said the residents could decide to go through a petition assessment process for all the improvements and the residents would be billed for the improvements over a five (5) year period at 8% interest which might help on their tax bills.

Mayor Michalove said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Bratton moved for the adoption of Ordinance

No. 1907. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1907 passed on first reading.

Mayor Michalove said the second and likely the third reading of the

ordinance would be held on May 7, 1991.

B. Ordinance No. 1904 - Second reading of an ordinance

amending Section 25.5 of the Code of Ordinances of the City of Asheville (Selling and Entertaining on Streets and Sidewalks)

The City Manager said since the first reading of the

ordinance an amendment is being proposed to include Biltmore Village area. He said since the West Asheville District can not be readily determined the ordinance could be amended at a later date to include the West Asheville area.

Councilman Price moved to amend Ordinance No. 1904 to

include the Biltmore Village area. This motion was seconded by Councilman Frank and carried unanimously.

Mayor Michalove said members of Council were previously

furnished copies of the ordinance and it would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1904, as

amended, passed on second reading.

C. Ordinance No. 1906 - Second reading of an ordinance

relative to amending Zoning Ordinance relative to penalty provisions.

The City Attorney said since the first reading of the

ordinance several technical changes have been made in order to conform with state statutes.

Councilman Ellison moved to amend Ordinance No. 1906 to

include the technical changes as suggested by the City Attorney. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1906, as

amended, passed on second reading.

Councilman Ellison moved to suspend the rules and

proceed to the third reading of Ordinance No. 1906. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1906, as

amended, passed on third and final reading.

Ordinance Book No. 12 - Page 344-345

D. Ordinance No. 1905 - Second reading of an ordinance

directing the Director of Building Inspection Division to demolish the dwelling located at 143 Blanton Street.

Resolution No. 91-68 - Resolution authorizing the

Housing Authority to exercise eminent domain for the dwelling at 143 Blanton Street

At the request of the City Manager, Councilman Ellison

moved to stop action of Ordinance No. 1905 and to adopt a resolution authorizing the Housing Authority to exercise eminent domain for the dwelling at 143 Blanton in order to pursue acquisition of the house. This motion was seconded by Vice-Mayor Moore and carried unanimously.

Resolution Book No. 18 - Page 403

E. Subdivision Plat - Beaver Lake Heights

Don Sherrill, Urban Planner with the Planning Dept.,

said Beaver Lake Heights is a proposed six (6) lot

residential subdivision to be located off Greenleaf

Circle in north Asheville. The entire site is 3.5 acres

in area and the proposed lots range in size

from .3 acre to .9 acre. The zoning for the parcel

is R-1 single family residential. The subdivision

will require the construction of a roadway and cul-de-

sac to serve the six lots. The roadway will be required to meet City standards. MSD has approved the allocation for sanitary sewer. The plans for the sewer line construction and the installation of a pump station will need to be approved through MSD. The project had been denied water service due to low water volume and low pressure. Fire protection is marginal from the City system. The developer wishes to install a private water system and intends to sprinkle all the houses within the subdivision. A City Street Cut Permit will be required for the proposed roadway off Greenleaf Circle.

The preliminary plat had been brought before the

Asheville Planning and Zoning Commission on March 6, 1991 and on April 3, 1991. The Planning and Zoning Commission tabled the proposal at each of these meetings. Section 26-3 of the City's Subdivision Regulations states that: "should the Planning Commission fail to take action on the plat within forty-five (45) days the subdivider may seek preliminary approval at the City Council's next regular meeting."

Since the last City Council meeting when the Beaver Lake

Heights Subdivision was discussed, the Water Department reevaluated the water flow information and will allow the subdivision to connect to the public water system. The preliminary plat for Beaver Lake Heights was approved by the Asheville Planning and Zoning Commission, at their meeting on April 17, 1991, with the following contingencies:

1) The proposed street be constructed to City

standards and be dedicated to the City once completed.

2) The developer installs a 6 inch water line from the closest fire hydrant on Greenleaf Circle to the entrance of the subdivision and install a fire hydrant to City specifications and the water lines within the subdivision shall meet all state and local requirements.

3) The project shall comply with the City's Erosion Control Ordinance.

The developer requests the appeal of this project to the City Council and he requests that the project be granted a variance from the requirements of Section 26-9 (c) that requires subdivisions located within 200' of available City water connect to the City system.

The developer intends to drill a well and install a private water system.

A discussion was held relative to the developer installing a private water system and providing sprinklers for each dwelling.

Upon inquiry of Council, the City Manager said the developer would be responsible for repaving the streets when he installs a new water line. He said the new water line and the repaving of the portions of the street that were cut would have to meet city specifications.

The City Manager said this subdivision was thoroughly reviewed by staff and it is has been determined that if a new 6" water line is installed along Merrimon Avenue from Midland Drive to Glen Falls Road, served by the Beaverdam Pumping Station, there will be more water available for everyone in this area. He said this project would have to be approved by the Water Authority and the State.

Vice-Mayor Moore said he would oppose a private water system because he felt this would create problems in the future for those purchasing the homes.

Larry Buckner, developer, said he had spent lots of money engineering a private water system because of the many delays in his project and due to the fact that he was told on several occasions that the project could not be approved because there was no water in the area.

He said now that the Water Department is saying there

is water in the area he would agree to extend 200' of 6" line to tie into the city's available water system and to put sprinklers in each dwelling. However, his request is to be allowed to install a private water system.

Wayne Stanko, 26 Greenleaf Circle, said the property in

question has gone undeveloped for thirty years. He requested that the City make sure that any development in the area meets all the requirements.

E. C. Bradley, 54 Greenleaf Circle, said the residents

are not opposed to the development. He said they are concerned because the area currently has very low water pressure. He said the city needs to correct this problem for the area residents.

A resident of 22 Greenleaf Circle said they were

concerned that if the developer puts in a private water system it would have an effect on the existing lake.

Steve Buckner, 58 Sunset Drive, spoke in support of the

project stating that many private water systems have been installed and have proven to be successful.

Barbara Whitaker, 32 Pine Tree Circle, said she was not

against the development. She said she did think the developer should use city water and sewer. She said she was also concerned about the effect a private water system would have on the existing lake.

Mike Plemmons with the Council of Independent Business

Owners said the entire process for this development has been "out of hand". He said first the developer was told he could not have water - now he is told he could have water - then he was told by the Planning and Zoning staff to put in a private water system - now he is told he can not have a private water system. He said this process needs to be corrected.

Upon inquiry of Mayor Michalove, the City Manager said

the proposed 6" water line to go along Merrimon Avenue would have to be approved by the Water Authority. He said if the private water system is installed and this has an effect on the existing lake the courts would have to settle this matter. He said the county and the state would have to approve a private water system.

The City Manager commented that for the developer to

install 200' of 6" water line would not work because he would have to tie into a 2" existing water line and the state will not allow 1000' of 2" water line. He said, in addition, this would not provide adequate fire protection.

Mayor Michalove noted that if the developer does

install a new line this does not mean that he would be resurfacing the entire road.

After discussion, Councilman Price moved that the

Beaver Lake Heights Subdivision be approved subject to:

1) The proposed street be constructed to City

standards and be dedicated to the City once

completed.

2) The developer installs a 6 inch water line for

200' to tie into the existing city water system and that each individual dwelling be installed with sprinklers and that fire hydrant be installed to

city specifications and the water lines within the

subdivision meet all state and local requirements.

3) The project shall comply with the City's

Erosion Control Ordinance.

This motion was seconded by Councilman Estes.

Councilman Bratton said the City Council should not

have to be dealing with this matter since the Water Authority and the State has to approve the water system.

After discussion, Councilman Ellison moved to amend Councilman Price's motion to approve

the Beaver Lake Heights Subdivision subject to:

1) The proposed street be constructed to City

standards and be dedicated to the City once

completed.

2) The developer installs a 6 inch water line for 900'

to tie into the existing city water system and that the developer and the Water Authority work out an agreement whereby the cost of the water line is shared and the water lines within the subdivision

meet all state and local requirements.

3) The project shall comply with the City's

Erosion Control Ordinance.

Councilman Price and Councilman Estes consented to the amendment.

On a voice vote of 3-4, Councilman Price's motion

failed with Councilman Bratton, Councilman Frank, Vice-Mayor Moore and Mayor Michalove voting "no".

Vice-Mayor Moore made a substitute motion to approve

the Beaver Lake Heights Subdivision as recommended by the Planning and Zoning Commission. This motion died for the lack of a second.

Mayor Michalove then made a substitute motion to

approve the Beaver Lake Heights Subdivision subject to:

1) The proposed street be constructed to City

standards and be dedicated to the City once

completed.

2) The developer installs a 6 inch water line for 900'

to tie into the existing city water system and that the developer and the Water Authority work out an agreement whereby the cost of the water line is shared and the water lines within the subdivision

meet all state and local requirements.

3) That approval is contingent upon the Water

Authority approving and moving ahead with the

installation of the 6" water line along Merrimon Avenue to increase the pressure and quantity of the

water in the area.

4) The project shall comply with the City's

Erosion Control Ordinance.

This motion was seconded by Councilman Ellison and

carried unanimously.

IV. NEW BUSINESS:

A. Ordinance No. 1908 - Budget ordinance amendment to appropriate funds for the Rental Rehabilitation Program.

The City Manager said the City has received funding

approval of an additional \$136,000 for the 1989 Rental Rehabilitation Program. This budget ordinance will appropriate the funds into the City Budget. The Program is subcontracted with the Housing Authority for administration. Administrative cost is provided from CDBG.

Mayor Michalove said members of Council were previously

furnished copies of the ordinance and it will not be read in its entirety.

Councilman Ellison moved for the adoption of Ordinance

No. 1908. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1908 passed on

first and final reading.

Ordinance Book No. 12 - Page 350

B. Semi-Annual Affirmative Action Report.

Pam McGrayne, Personnel Director, gave an analysis of the Affirmative Action Semi-Annual Report. A copy of the report is on file in the Office of City Clerk.

C. Resolution No. 91-59 - Resolution relative to state revenues for local governments.

Mayor Michalove said this resolution requests that the

General Assembly rescind House Bill 2377 and restore the automatic statutory distribution of important local revenues, thereby eliminating the necessity of the General Assembly to make an annual appropriation to return these local revenues to local governments.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Ellison, seconded by

Councilman Frank, Resolution No. 91-59 was unanimously adopted.

Resolution Book No. 18 - Page 389

D. Resolution No. 91-61 - Resolution authorizing Mayor to execute an easement in favor of Carolina Power and Light Company for property at the Asheville Regional Airport.

The City Manager said this resolution will authorize the

Mayor to execute an easement in favor of Carolina Power and Light Company in order to get electric service to the new Hertz Maintenance Facility at the Asheville Regional Airport.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Ellison, seconded by

Councilman Price, Resolution No. 91-61 was unanimously adopted.

Resolution Book No. 18 - Page 391

E. Resolution No. 91-62 - Resolution authorizing the Mayor and the City Attorney to execute an affirmation of subordination for the Pack Plaza Project.

The City Attorney said this resolution will authorize

the Mayor and City Attorney, as trustee under certain deeds of trust given to the City of Asheville for the

Pack Plaza Project, to execute an Affirmation of Subordination wherein the City of Asheville affirms the subordination of its deeds of trust on the Pack Plaza Project to the first mortgage loan documents for the Pack Plaza Project.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Bratton, seconded by Vice-Mayor Moore, Resolution No. 91-62 was unanimously adopted.

Resolution Book No. 18 - Page 392

F. Resolution NO. 91-63 - Resolution authorizing a CDBG

loan to 58 Broadway Corporation and authorizing the Mayor to execute all documents necessary in connection therewith.

The City Attorney said the CDBG Loan will be used for construction cost involved in the renovation of the building located at 58 Broadway. The renovation will create 5 loft apartments and 1 commercial space to be used as an ownership co-op for low-moderate income

persons.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman Ellison, Resolution No. 91-63 was unanimously adopted.

Resolution Book No. 18 - Page 393

V. CONSENT:

A. Scheduling of public hearing relative to amending the Zoning Ordinance (Group Development Procedures) for May 7, 1991.

SUMMARY: The Asheville Planning and Zoning Commission

on April 3, 1991 reviewed and recommended approval of an amendment to Chapter 30 of the City's Code of Ordinances. The proposed amendment consolidates requirements for group development review in one section and revises the section dealing with the reporting of

P&Z's recommendation to City Council.

B. Resolution No. 91-64 - Resolution directing the City

Manager of the City of Asheville to initiate a recyclable materials recycling program by July 1, 1991, and execute contracts and related documents necessary to implement the program.

SUMMARY: This resolution recognizes the City's

intention to open a recycling drop-off center. It also addresses this intention in relationship to Senate Bill 111 dictates.

Resolution Book No. 18 - Page 394

C. Resolution No. 91-65 - Resolution supporting recycling

and accepting the 1991 Earth Day challenge to United States Cities and Towns for the City of Asheville, North Carolina.

SUMMARY: This resolution sets forth the City Council's acceptance of the 1991 Earth Day Challenge to "Buy Recycled."

Resolution Book No. 18 - Page 395 - 396

D. Resolution No. 91-66 - Resolution authorizing the Mayor

to execute on behalf of the City of Asheville a modified grant agreement from the North Carolina Department of Transportation - Project No. 9.9584894 for the Asheville Regional Airport Authority.

SUMMARY: North Carolina Department of Transportation

awarded a grant in the amount of \$401,967 in State Aid to the Asheville Regional Airport Authority for airport terminal expansion (baggage claim area; rental car area; and administrative offices) in the amount of \$401,967.

It has now been determined and agreed that an additional \$300,000 is needed due to construction and relocation of utility lines to be greater than originally estimated.

The City of Asheville and the County of Buncombe are cosponsors of the grant agreement.

Resolution Book No. 18 - Page 397

E. Resolution No. 91-67 - Resolution appointing members to the Citizens/Police Advisory Committee.

SUMMARY: The Citizens/Police Advisory Committee was

appointed by City Council in August, 1989, to study the relationship between the community as a whole, the black community in

particular, and the police department.

The final report of the committee recommended that the City Council appoint a permanent Citizens/Police Advisory Panel.

Resolution Book No. 18 - Page 398 - 400

F. Resolution No. 91-68 - Resolution of support for the interchange at I-40 and US 25A (Sweeten Creek Road) and the concurrent widening of US 25A (Sweeten Creek Road).

SUMMARY: David Brown, Division 13 Board of

Transportation representative has requested letters and resolutions of support for Project I-100 (Interchange at I-40 and US 25A).

Resolution Book No. 18 - Page 401 - 402

Upon motion of Councilman Bratton, seconded by Vice-Mayor Moore, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

A. Housing/Community Development Committee Meeting

Councilman Ellison said the Housing Authority/Community

Development Committee will meet again on Monday, April 29, 1991 at 8:00 a.m. to consider 22 applications for CDBG

funds.

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

Commission

Don Sherrill from the Planning Department, said the City

Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with the new procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following action was taken by the Planning and Zoning Commission at their meeting on April 17, 1991.

®(1) Riverside Drive Warehouse

Mr. Sherrill said the Asheville Planning and Zoning

Commission on April 17, 1991, reviewed and approved the site plan of **Riverside Drive Warehouse** subject to two (2)

contingencies: 1) The developer reduce the driveway width for the loading area to 24 feet and rearrange the paving to allow trucks to back into the loading berth; 2) Raise the Finished Floor Elevation of the building to be one (1) foot above regulatory flood

elevation at the south end of the property.

Council accepted the recommendation of the Planning

and Zoning Commission relative to the site plan of Riverside Drive Warehouse.

C. April 29, 1991 and April 30, 1991

Mayor Michalove said Council would be meeting on Monday,

April 29, 1991 at 2:00 p.m. for a work session to hear a report relative to fees and charges. He said since members of Council will be in Raleigh on Tuesday, April 30, 1991 the regular scheduled meeting has been

cancelled.

Claims - L. D. Thompson (Water) - Allen Ballard (Water) - Billie Gorney (Sanitation) - Becky Beecher (Parks) - Cleophas Hardaway (Streets) - Mary Sulkowsky (Parks) - Michael M. Carson (Streets) - Macy Mintz (Streets) - Sean Blake

(Water) - Deborah Schilla (Wastewater)

The City Manager said claims were received from L. D.

Thompson - Allen Ballard - Billie

Gorney - Becky Beecher - Cleophas Hardaway - Mary Sulkowsky - Michael M. Carson (Streets) - Macy Mintz (Streets) - Sean Blake (Water) - Deborah Schilla (Wastewater) .

Mayor Michalove referred the claims to the City Attorney

for investigation and recommendation.

Lawsuits - Michael Maurice Carson (Alleged Personal Injury)

The City Manager said on April 4, 1991 the City was

served with a lawsuit involving Michael Maurice Carson - alleged personal injury due to obstructions at intersection.

Mayor Michalove referred the lawsuit to the City Attorney

for investigation and recommendation.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 8:40 p.m.

MAYOR CITY CLERK
