

Tuesday - May 7, 1991 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Councilmen Mary Lloyd Frank, 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

Absent: Vice-Mayor William G. Moore and Councilman Norma T. Price

INVOCATION

The invocation was given by Councilman Frank.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the April 23, 1991 meeting as submitted.

I. PROCLAMATION

A. PROCLAMATION - "TRANSIT APPRECIATION WEEK"

MAY 13 - 15, 1991 - "TRANSIT APPRECIATION DAY"

MAY 15, 1991

Mayor Michalove proclaimed May 13 - 15, 1991 as "Transit Appreciation Week" and May 15, 1991 as "Transit Appreciation Day" and presented a copy of the proclamation to Wanda Winslow, Chairman of the Asheville Transit Authority.

B. PROCLAMATION - "HERITAGE WEEK" - MAY 12 - 18, 1991

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Mayor Michalove proclaimed May 12 - 18, 1991 as "Heritage Week" and presented a copy of the proclamation to Jeanne Warner, President of the Preservation Society of Asheville and Buncombe County.

C. PROCLAMATION - "LAW ENFORCEMENT OFFICERS WEEK"

MAY 13 - 17, 1991 - "PEACE OFFICERS MEMORIAL DAY"

MAY 15, 1991

Mayor Michalove proclaimed the week of May 13 - 17, 1991 as "Law Enforcement Officers Week" and May 15, 1991 as "Peace Officers Memorial Day" and presented a copy to Chief Gerald Beavers.

D. PROCLAMATION - "PUBLIC EMPLOYEES APPRECIATION WEEK"

Mayor Michalove proclaimed the week of May 6- 10, 1991 as "Public Service Employee Recognition Week" and presented a copy to Pam McGrayne, Personnel Director for the City of Asheville.

E. RESOLUTION NO. 91-69 - RESOLUTION OF APPRECIATION FOR RETIREE, CHARLOTTE TELL

Mayor Michalove recognized Charlotte Tell who is retiring from the City of Asheville after 19 years of service as City Accountant. He said in addition to improving the financial management and reporting processes of the City, her concern, interest and sensitivity for others have prompted her to serve the City in many capacities which have encouraged and inspired her fellow employees and endeared her to many people.

Upon motion of Councilman Frank, seconded by Councilman Bratton, Resolution No. 91-69 was unanimously

adopted.

Mayor Michalove presented the resolution to Charlotte Tell.

Resolution Book No. 18 - Page 403

F. QUARTERLY BEST AWARD PRESENTATION - GLENDA TRANTHAM

The City Manager said Glenda Trantham from the Personnel Department has been chosen as the City's B*E*S*T employee for Winter Quarter 1991. Glenda is the City's Employee Benefits Specialist. Her responsibilities include enrolling new employees in their benefits, advising them about retirement options and helping employees and their families when a death occurs.

Although counseling employees about death benefits is not easy for anyone, Glenda provides competent and caring help. The compassion and concern Glenda shows towards employees and their families and the extra things she does spares the family additional stress and confusion. One employee recently described Glenda as a "Godsend."

The City Manager presented Glenda Trantham with a "Quarterly B*E*S*T Winner Award.

G. PRESENTATION BY MARCAL PAPER MILLS

RESOLUTION NO. 91-70 - RESOLUTION OF APPRECIATION TO INGLES SUPERMARKETS AND MARCAL PAPER MILLS FOR DONATION TO TREE PROGRAM

Ray Kisiah, Director of Parks, Recreation, and Public Facilities, said Marcal Paper Products has a national program of donating funds for tree planting to certain cities throughout the nation who have been formally designated as a Tree City, USA. Because of Asheville's efforts in developing a comprehensive tree program, Marcal Paper Company wished to support this effort and, for the third year, is making a substantial contribution to the City of Asheville this year in the amount of \$1,150. Ingles Supermarkets distributes the Marcal Paper Products and has submitted the name of the City of Asheville as a recipient of this grant program.

Eddie Glen with Marcal Paper Company and Ken Jarvis with Ingles Supermarkets presented the \$1,150 check to the City of Asheville.

Mayor Michalove read the resolution of appreciation.

Upon motion of Councilman Ellison, seconded by Councilman Frank, Resolution No. 91-70 was unanimously adopted.

Resolution Book No. 18 - Page 404

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING EXTRATERRITORIAL ZONING JURISDICTION - WEST AREA.

Mayor Michalove opened the public hearing at 4:21 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.

Verl Emrick, from the Planning Department, said the Asheville Planning and Zoning Commission has recommended that the area specified as the "West Area" be included in the City's extraterritorial zoning jurisdiction and that specific zoning classifications be assigned to the property included in the proposal. The action specified was acted upon at a special meeting held on March 6, 1991.

He said several public meetings were held with neighborhood property/business owners and neighborhood residents to

discuss the issues involved. He said 729 notices were mailed to property owners that would be affected by the extraterritorial zoning jurisdiction.

By the use of map, Mr. Emrick reviewed the boundaries to be included in the jurisdiction, as well as the proposed zoning designations for the area.

Mike Moser, Chairman of the Planning and Zoning Commission, outlined the process that took place in recommending the extraterritorial zoning district.

Jeff Fischback, 47 English Drive, Candler, North Carolina read a prepared statement basically supporting the proposed zoning, particularly referring to a tract bordered by Monte Vista Road and Holbrook Road remaining zoned Residential as recommended by the Planning and Zoning Commission.

Gary Tweed, 165 Monte Vista Road, Candler, North Carolina said he also supported the zoning as recommended by the Planning and Zoning Commission. He said the residential zoning along Monte Vista Road and Holbrook Road would protect the residential area.

Phil Carson said in his opinion the tract bordered by Monte Vista Road and Holbrook Road should be zoned Light Industrial. He said the proposed is close to the interstates and is typically industrial property. He said any development of the property would require a group development approval from the Planning and Zoning Commission and the City Council. He said this process would protect the surrounding residential properties because the Planning and Zoning Commission and the City Council could impose contingencies upon any development, including buffering.

Upon inquiry of Mayor Michalove, Mike Moser said he would not have any problems with zoning the property either residential or light industrial but would stand behind Planning and Zoning Commission's recommendation. He said the existing easements along the power lines in this area would create a natural buffer boundary.

Mayor Michalove closed the public hearing at 5:04 p.m.

Mayor Michalove said the first reading of the ordinance would be held in two weeks in order to give members of Council an opportunity to visit the areas in question.

B. PUBLIC HEARING RELATIVE TO HILLSIDE DEVELOPMENT REGULATIONS.

ORDINANCE NO. 1909 - ORDINANCE AMENDING CHAPTERS 26 AND 30 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (HILLSIDE DEVELOPMENT REQUIREMENTS)

Mayor Michalove opened the public hearing at 5:05 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.

Gerald Green, Senior Planner, said after reviewing site plans for projects subject to the Hillside Development Ordinance regulations, the Asheville Planning and Zoning Commission directed staff to develop amended wording which would require developers to distribute graded areas throughout the project site. Staff was also directed to make the regulations applicable to subdivision development. The proposed amendments call for graded areas to be distributed throughout the site rather than permitting one portion of the site to be completely graded. The proposed amendment extends the Hillside Development regulations to subdivision development, but not to construction on individual lots. The Planning and Zoning Commission voted to recommend approval of the amendments to the ordinance.

George Jenson - Jenson Engineers Associates, said uniform grading of developments on hillsides could disturb more of the total site area and have a bigger impact on the land. He said the City should let the developers decide how best to use the property.

Richard Roberts, Builder, Home Builders Association, said the street grades would have an impact on hillside regulations.

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

Councilman Ellison suggested that the ordinance be amended to include language that the graded areas be reasonably distributed throughout the project site "where feasible."

Mayor Michalove said since this language needs to be specific he would suggest that the ordinance be amended prior to second reading giving an opportunity for the ordinance to be amended with specific language. He suggested that Council proceed with the first reading of the ordinance.

Councilman Frank moved for the adoption of Ordinance No. 1909. This motion was seconded by Councilman Ellison.

On a roll call vote of 5-0, Ordinance No. 1909 passed on first reading.

C. PUBLIC HEARING RELATIVE TO STREET GRADES

Mayor Michalove opened the public hearing at 5:35 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.

Gerald Green, Senior Planner, said at the February 6 meeting, the Asheville Planning and Zoning Commission recommended approval of an amendment to Chapters 26 and 30 of the City's Code of Ordinances. The Commission has considered several proposed amendments over the past few months. Some of the proposed amendments were prepared by staff of the Fire, Public Works, and Planning Department and the City Manager's office. These amendments were revised based upon meetings with contractors, engineers, and other interest groups. In addition to the amendments prepared by the staff, the Planning and Zoning Commission developed proposed amendments, including the one recommended for adoption. The recommended ordinance amendment has the following characteristics: A maximum grade of 15% is established for subdivision and group development streets; and The Board of Adjustment is authorized to grant variances permitting street grades in excess of 15%. No limit is established for the granting of variances, nor are there standards to guide the Board of Adjustment in granting variances.

Mr. Green said the staff's recommendation is a maximum grade of 12% with variances granted by City Council of up to 18%. He said this recommendation also specifies standards for granting the variances.

Mike Moser, Chairman of the Planning and Zoning Commission, said the Commission disagrees with the staff recommendations in that Planning and Zoning has always approved a street grade of up to 18%. He said the Commission also felt the staff's recommendation was too complicated. He said the Commission's recommendations also is in keeping with NC DOT standards. He said the Commission discussed all the recommendations thoroughly. He said developers and builders need specific rules to follow with minimum standards. He said in many instances these rules must be decided on a case by case basis.

The City Attorney commented that the new provisions for street grades, when adopted, will apply to subdivisions and group developments.

Charles Penny, Assistant City Manager, said the staff was attempting to provide guidelines for the issuance of variances and the engineers helped develop the guidelines. He supported staff's recommendation of a maximum 12% street grade.

Tom Borris, with the Greater Asheville Homeowner's Association, said they opposed the staff recommendation but did support the Planning and Zoning Commission's recommendation.

Ted Orr of 34 N. Ann Street said he also supported the Planning and Zoning Commission's recommendation.

Bob Mayhew, local developer, supported Planning and Zoning Commission's recommendation. He said since we live in the mountains if you limit street grades to 12% everyone will be seeking variances. He said the majority of the mountainous land is more than 12% grade.

Bob Selby asked the Council not put any more restrictions on developers/builders that would add more expense.

Mike Plemmons, with the Council of Independent Business Owners, said his organization endorses the Planning and Zoning Commission's recommendation.

George Jensen, Engineer, presented data from the American LaFrance Company, which indicated that fire trucks can handle street grades in excess of 12%.

Mayor Michalove closed the public hearing at 6:25 p.m.

After a lengthy discussion, Councilman Frank moved to adopt an ordinance that would implement the Planning staff's recommendation. This motion was seconded by Councilman Bratton. This vote **failed** on a voice vote of 3-2 with Councilman Bratton and Frank voting "aye".

Councilman Ellison moved to adopt an ordinance that would implement the Planning and Zoning Commission's recommendation with a limit on the variance that the Board of Adjustment could allow of 18% street grade. This motion was seconded by Councilman Estes. This vote **failed** on a voice vote of 3-2 with Councilman Bratton and Frank voting "no".

Councilman Ellison moved to reconsider this ordinance at a later date when all members of Council are present. This motion was seconded by Councilman Bratton and carried unanimously.

D. PUBLIC HEARING RELATIVE TO AMENDING GROUP DEVELOPMENT PROCEDURES

ORDINANCE NO. 1910 - ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CIT OF ASHEVILLE (ARTICLES 6 AND 11 - GROUP DEVELOPMENTS)

Mayor Michalove opened the public hearing at 6:35 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.

Gerald Green, Senior Planner, said at their April 3, 1991 meeting, the Asheville Planning and Zoning Commission recommended approval of an amendment to Chapter 30 of the City's Code of Ordinances. The proposed amendment moves Section 30-11-4, which sets forth the procedure for group development application and review to Article 6 of Chapter 30. Other requirements and stipulations regarding group development are currently found in Article 6. The wording of the proposed Section 30-6-2(F) has been revised so that the requirement for the reporting of the Planning and Zoning Commission's recommendation to City Council does not conflict with City Council's new meeting schedule.

Mayor Michalove closed the public hearing at 6:37 p.m.

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

Councilman Ellison moved for the adoption of Ordinance No. 1910. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1910 passed on first reading.

E. PUBLIC HEARING RELATIVE TO PUBLIC WORKS FACILITIES INSTALLMENT PURCHASE CONTRACT

RESOLUTION NO. 91-71 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA APPROVING AN INSTALLMENT PURCHASE CONTRACT AND RELATED MATTERS

Mayor Michalove opened the public hearing at 6:38 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 Manager said this public hearing and the adoption of the resolution is required by the bond counsel for the financing of the Public Works Facility Project.

He said the method of financing will be Certificates of Participation and the Asheville-Buncombe Development Corporation has agreed to participate in the financing and will be issuing the Certificates of Participation through the underwriter, A. G. Edwards & Son. He said the City will not be pledging any revenues that a Deed of Trust on the Public Works Facilities (Land and Building) will be given as security. He said the award of the contract and the sale of the bonds will coincide since the project is on schedule.

Councilman Bratton, liaison for the Council on the Asheville-Buncombe Development Council, said the Council unanimously approved participation in the financing of the Public Works Facilities Project.

At the request of the Mayor, the City Manager said the City started the Public Works Facilities project in 1984 by setting funds aside for the project. He said this is not a new project that the city administration has been working on the project since 1984. He said this is a very much needed facility to provide a safer, better, and more efficient facility for Public Works. He said the Administration Offices will be housed along with the Public Works Operations.

Bob Mayhew, a local developer, said with the economy in a state of decline and the state consistently cutting local funds he felt the timing of spending funds for such a facility is ill timed. He said he felt the project is too expensive and the City should wait until the economy is better.

Mayor Michalove closed the public hearing at 6:48 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 Bratton, seconded by Councilman Ellison, Resolution No. 91-71 was unanimously adopted.

Resolution Book No. 18 - Page No. 410

III. OLD BUSINESS:

A. Ordinance No. 1907 - Second reading of an ordinance to extend the Corporate Limits of the City of Asheville to an area known as the Haw Creek II Area.

The City Manager said since the first reading of the ordinance the staff has met with homeowners in the Haw Creek II Area and resolved several questions they expressed during the public hearing.

He said a fire contract with the Haw Creek Volunteer Fire Department has been completely negotiated and all parties have agreed to the terms. He said homeowners are now satisfied with the revised cost of proposed street improvements. He said the residents have requested that the annexation ordinance be effective one year from the date of adoption. He said the general statutes allow the City to adopt an ordinance and make it effective no sooner than 40 days and no later than 400 days after adoption. He said a delay of one year would not be a problem from the City's standpoint.

At the request of the City Attorney, Councilman Ellison moved to amend Ordinance No. 1907 to provide for an

effective date of June 30, 1992 and for the deletion of one lot (Ross Lot) as indicated in the description of the property to be annexed. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1907 passed on second reading.

Mayor Michalove said the third reading of the ordinance will be held on June 4, 1991.

B. Ordinance No. 1904 - Third 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)

Mayor Michalove said the ordinance was previously read on second reading and will not be reread in its entirety.

On a roll call vote of 5-0, Ordinance No. 1904 passed on third and final reading.

Ordinance Book No. 12 - Page 340-341

D. CONSIDERATION OF CIVIL SERVICE RULE CONCERNING LIGHT DUTY ASSIGNMENT.

RESOLUTION NO. 91-72 - RESOLUTION APPROVING RULE ADOPTED BY CIVIL SERVICE BOARD REGARDING REASSIGNMENT OF EMPLOYEES

The City Attorney said, at Councilman Ellison's suggestion, the rule as adopted by the Civil Service Board, has been amended to include the following language "No such assignment shall be made, however, until the Civil Service Board has made a determination that the employee is vocationally and physically suited for the position to which he/she is to be assigned."

Pam McGrayne, Personnel Director, said she had checked with other cities and found that Charlotte and Raleigh do not have a policy governing reassignment of employees. She said they handle each case separately and at times encourage disability retirement.

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 Bratton, Resolution No. 91-72 was unanimously adopted.

Resolution Book No. 18 - Page 411

IV. NEW BUSINESS:

A. 2010 Semi Annual Report.

Patty Tallerday, Acting Planning Director, highlighted the 2010 Semi-Annual Report. She said monitoring of the 2010 Plan is much better and the report shows progress.

A copy of the report is on file in the Office of the City Clerk.

B. Review of Windswept Acres Subdivision.

Don Sherrill, Urban Planner, said Windswept Acres is a ten (10) lot residential subdivision located at the intersection of Alexander Road and Windswept Drive. The site is 10.6 acres in size. The lots average one acre in size. The site lies within the R-3 and Office-Institutional Zoning Districts. No new roads were required for this subdivision as all the lots abut existing roadways. All services are available.

He said at the Planning and Zoning Commission meeting of May 2, 1991, the Planning and Zoning Commission

approved the preliminary plat for the Windswept Acres Subdivision with one contingency:

1. The developer must work with the City of Asheville to acquire a suitable easement for the sewer line serving the proposed subdivision from Windswept Views Condos to Carroll Avenue.

He said according to the City Legal Staff this contingency has been met.

Councilman Ellison moved to approve the plat for the Windswept Acres Subdivision located at the intersection of Alexander Road and Windswept Drive. This motion was seconded by Councilman Estes and carried unanimously.

C. ORDINANCE NO. 1911 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO AN AREA KNOWN AS THE BREVARD ROAD AREA.

Mayor Michalove said a public hearing was held relative to the annexation of the Brevard Road Area on April 23, 1991. He said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Frank moved for the adoption of Ordinance No. 1911. This motion was seconded by Councilman Bratton.

On a roll call vote of 5-0, Ordinance No. 1911 passed on first reading.

D. ORDINANCE NO. 1912 - ORDINANCE AMENDING ORDINANCE NO. 586, SECTION 7, SERVICE AREA OF THE ASHEVILLE TRANSIT AUTHORITY

Mayor Michalove said for many years, the Asheville Transit Authority has discussed serving the public transit needs of citizens beyond the City Limits of Asheville. The ATA has studied several areas for service and desires to amend the current ordinance to allow the public transportation system to be extended; where such extensions best meet the goals and objectives of the ATA and City Council.

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. 1912. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1912 passed on first reading.

Councilman Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1912. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1912 passed on second reading.

E. Ordinance No. 1913 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING TO THE ASHEVILLE TRANSIT AUTHORITY

Mayor Michalove said the Asheville Transit Authority has experienced cost overruns for fiscal year 1990/91. This action is required to provide funding to continue service at present levels through June 30, 1991. This action will increase public funding for ATA from \$1,362,900 to \$1,505,140 or \$142,240. He said the cost overruns is due to increased fuel and health insurance costs.

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. 1913. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1913 passed on first and final reading.

F. CITY COUNCIL COMMITTEE REPORT ON THE CIVIL SERVICE BOARD.

Councilman Ellison highlighted a Committee report relative to the Civil Service Law regarding membership and the law. He said they were recommending that a term of three years be established for the members with a maximum of two terms and further that the terms be staggered. He also requested that the staff provide Council with a report in September, 1991 regarding the City's new Personnel Policy. He said the Committee is recommending that no changes in the Asheville Civil Service Law be pursued at this time.

Councilman Bratton requested that the staff look into contracting with an outside agency for testing of Civil Service positions.

Mayor Michalove asked the City Manager give members of Council a report within two months on the feasibility of contracting with an outside agency for testing.

Councilman Ellison moved to adopt the report of the committee and to direct the City Attorney to prepare the necessary documents to implement the recommended changes of the committee. This motion was seconded by Councilman Bratton and carried unanimously.

G. RESOLUTION NO. 91-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MARSHALL & STEVENS INCORPORATED FOR APPRAISAL SERVICES

John Miall, Risk Management Director, said this action will provide current and accurate value for replacements costs for insuring City properties. He recommended the acceptance of the proposal submitted by Marshall & Stevens Incorporated.

Upon motion of Councilman Estes, seconded by Councilman Frank, Resolution No. 91-73 was unanimously adopted.

Resolution Book No. 18 - Page 412 - 413

V. CONSENT:

A. Scheduling public hearing on final statement of Community Development Objectives for FY 92 for May 21, 1991.

B. Resolution No. 91-74 - Resolution to authorize submission of an amended Statement of Community Development Objectives and Projected Use of Funds.

Resolution Book No. 18 - Page 414 - 415

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

D. Resolution No. 91-75 - Preliminary resolution calling for a public hearing to levy special assessments for Azalea Avenue.

Resolution Book No. 18 - Page 416

E. Resolution No. 91-76 - Resolution authorizing the City Manager to enter into contract for fire suppression services with the Enka Candler and Rescue Department, Inc. for service in the Brevard Road Annexation Area.

Resolution Book No. 18 - Page 417

F. Resolution No. 91-77 - Resolution authorizing the City Manager to enter into contract for fire suppression services with the Enka Candler Fire and Rescue Department, Inc. for service in the West II Annexation Area.

Resolution Book No. 18 - Page 418

Upon motion of Councilman Frank, seconded by Councilman Bratton, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

A. Ordinance No. 1914 - Ordinance appropriating grant funds for the Swannanoa River Archeology Survey.

The City Manager said the NCDCCR has provided the Historic Resources Commission with a grant of \$5,500 for the archaeology project. Buncombe County Board of Commissioners have provide matching funds. The HRC requests a budget amendment to appropriate funds received and to distribute the funds to administer the project.

Councilman Ellison moved for the adoption of Ordinance NO. 1914. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1914 passed on first and final reading.

Ordinance Book No. 12 - Page 366

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 May 1, 1991.

(1) 475 Kenilworth Road Apartments

Mr. Sherrill said the Asheville Planning and Zoning Commission on May 1, 1991, reviewed and approved the site plan of 475 Kenilworth Road Apartments subject to the following contingencies:

1. The developer receive approval to connect to the City water system and the MSD sewer system.
2. The developer shall install a sidewalk and fire hydrant to City standards along Kenilworth Road.
3. The project shall meet the requirements of the City's landscape ordinance.
4. The developer shall submit and receive approval of a single site plan with all of the required information by the Planning Department staff.

Councilman Frank moved to schedule a public hearing relative to the site plan for 475 Kenilworth Road Apartments for May 21, 1991. This motion was seconded by Councilman Bratton and carried unanimously.

B. Motion to schedule public hearing relative to rezoning property located at Manor Inn Apartments for May 21, 1991.

Councilman Ellison moved to schedule a public hearing relative to rezoning property located at Manor Inn Apartments for May 21, 1991. This motion was seconded by Councilman Frank and carried unanimously.

C. Nicasio Martinez - Racial Equality

Mr. Nicasio Martinez, Route 3, Box 143A, Leicester, North Carolina, read a lengthy prepared statement relative to concerns of racial equality in the schools and businesses in Asheville. A copy of his statement is on file in the Office of the City Clerk,

D. Claims - Jeff Tucker (Water) - Jerry A. Sluder (Water) - Christine Norris (Civic Center) - Crystal Bryant (Police) - Hazel Whitt (Water) - Randy Berry (Parks) - Tom Morrow (Parks) - Lucille Ray (Water) - Van C. Nuygen (Fire Department)

The City Manager said claims were received from Jeff Tucker, Jerry A. Sluder, Christine Norris, Crystal Bryant, Hazel Whitt, Randy Berry, Tom Morrow, Lucille Ray, and Van C. Nuygen.

Mayor Michalove said these claims have been referred to the appropriate insurers for investigation.

E. Lawsuits - Housing Authority v. Ruth Robinson, City of Asheville, et al. (Condemnation of property for Head of Montford Area Redevelopment Plan)

The City Manager said the City was served with a lawsuit on April 24, 1991 involving Housing Authority v. Ruth Robinson, City of Asheville, et al. relative to condemnation of property for Head of Montford Area Redevelopment Plan.

Mayor Michalove said the lawsuit has been referred to the appropriate legal counsel for action.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 8:10 p.m.

MAYOR CITY CLERK
