

Regular Meeting - May 21, 1991 - 4:00 p.m.

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor William G. Moore; 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: 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 9, 1991, April 16, 1991, April 29, 1991, May 7, 1991, and May 14, 1991 meeting as submitted.

#### I. PROCLAMATIONS:

A. Proclamation - "Bike-To-Work Day" - May 21, 1991

Mayor Michalove proclaimed May 21, 1991 as "Bike-To-Work Day" and presented a copy of the proclamation to Chris Johansen with Bikeways Task Force.

B. Presentation of "Outstanding Apprenticeship Programs" Award Asheville Fire Department's Joint Apprenticeship Training Program.

John Rukavina, Fire Chief, said the City of Asheville Fire Department's Joint Apprenticeship Training Program for firefighters received an "Excellence in Achievement" Award from the N. C. Department of Labor. He recognized those members of the Fire Department responsible for attaining this outstanding award.

The City Manager said John Rukavina is also one of six Fire Chiefs to be accepted at the Harvard's Program for Senior Officials in State and Local Government. He said he also received a scholarship from the Federal Emergency Management to attend the course. He said the City is very proud of our Fire Chief and this shows excellent "Leadership by Example".

C. Resolution No. 91-78 - Resolution of Appreciation for retiree, Frank M. Griffin.

Mayor Michalove recognized Frank Griffin who is

retiring from the City of Asheville after 23 years of service as a Firefighter. He said Frank Griffin's contributions to his community as an Asheville Firefighter have resulted in the saving of lives and property.

Upon motion of Councilman Ellison, seconded by Vice-Mayor Moore, Resolution No. 91-78 was unanimously adopted.

Mayor Michalove presented the resolution to Frank M. Griffin.

Resolution Book No. 18 - Page 420

D. Resolution No. 91-79 - Resolution Of Appreciation For Retiree, Carroll

Radford

Mayor Michalove read a resolution recognizing Carroll Radford who is retiring from the City of Asheville after 21 years of service as a Laborer, Sr., in the Sanitation Division of the Public Works Department. He said he has worked as Setout-Setback man, Laborer and Laborer, Sr.

Upon motion of Councilman Ellison, seconded by Vice-Mayor Moore, Resolution No. 91-79 was unanimously adopted.

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E. Recognition Of Volunteers - Parks And Recreation Department - Proclamation - May 31, 1991 - "Parks And Recreation Volunteer Recognition Day".

Ray Kisiah, Director of Parks, Recreation, and Public Facilities, said over 2,500 residents of Asheville and Buncombe County have graciously donated a limitless amount of time and talent toward a more diversified and quality program of recreation services in the City of Asheville. The City of Asheville wishes to recognize these individuals for their continued cooperation and to encourage the voluntary participation of others in this valuable service.

He said the City of Asheville wishes to especially recognize Roy and Diatha Harris of the William C. Reid Recreation Center as the "Outstanding Volunteers" for their consistent and dedicated efforts towards youth programs at this neighborhood recreation center. He said Mr. Harris has been a co-founder of the Partners Teen Club that sponsors Career Day, College Day and Sneakers Dances, as well as serving as a volunteer coach for football, basketball, and track; and Mrs. Harris has coached softball, volleyball and track; and both, by example, have shown the positive role recreation plays in the lives of our community's young people.

He said a number of active volunteers in the City's recreation program will be honored at a dinner at Malvern Hills Pool and Park at 6:30 p.m. on Friday, May 31, 1991.

Mayor Michalove presented the proclamation to Ray Kisiah, Director of Parks, Recreation, and Public Facilities.

## II. PUBLIC HEARINGS:

A. Public hearing relative to closing Post Street between North French Broad Avenue and Otis Street.

Resolution No. 91-80 -Resolution to close Post Street Between North French Broad Avenue And Otis Street In The City Of Asheville, North Carolina

Mayor Michalove opened the public hearing at 4:17 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 matter was before Council about two months ago and there was a concern over the notice given. He said adequate notice has been given and the matter is again before Council for action. He said this is a request from General Service Administration (GSA) to allow for the construction of a new federal building in downtown Asheville. He said GSA needs this street closed in order to meet their parking requirements.

He said at the last meeting several concerns were expressed relative to the

street closing those being the eliminating of pedestrian traffic around this entire site and the concern that the area would be fenced for security of vehicles. He said GSA has indicated that the site plan does not indicate fencing of the site and the existing Post Street would be the entrance into their facility and they would provide a sidewalk that pedestrians could still use to get into downtown.

Gary Rowe said he and his partners own 42 N. French Broad Avenue which is the building immediately at the intersection of the site where the street is proposed to be closed. He questioned GSA's need to close Post Street in order to construct their facility. He said this particular street is accessed in many ways for the downtown area and it is in the public interest to keep the street open. He said the closing would eliminate twenty existing parking spaces and public access into other buildings in the area. He said the closing would increase traffic congestion because this would eliminate one of the major streets in the area. He said this would isolate the businesses west of North French Broad Avenue from access into downtown.

He said they had received information that the area would be fenced which would create a "downtown compound".

Mr. Rowe said another point to consider and from his calculations the City would be giving up \$293,000 in city property for no consideration. He said he based his figures on what GSA paid for a parking lot in the area.

Mr. Rowe requested that Council not close Post Street because it is not in the public interest.

The City Manager noted that the City would not be giving up city property because the property is not presently on the tax books and the City would be gaining a \$30 million investment. He said many jobs would remain downtown by the construction of the new federal building. He said if the federal building is not constructed in downtown the economic impact would be devastating.

Mayor Michalove closed the public hearing at 4:37 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 Vice-Mayor Moore, seconded by Councilman Frank, Resolution No. 91-80 was unanimously adopted.

After discussion, Councilman Frank moved that GSA be requested to provide and maintain a pedestrian access through the Post Street property and that Council strongly suggest that if the parking area needs to be secured that they take every appropriate action not to use fencing. This motion was seconded by Councilman Ellison and carried unanimously.

Resolution Book No. 18 - Page No. 422-423

B. Public hearing relative to a group development known as "Kenilworth Road Apartments" to be located at 475 Kenilworth Road.

Mayor Michalove opened the public hearing at 4:40 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.

Don Sherrill, from the Planning Department, said the developer requests Group Development approval

to construct a five unit apartment building at 475 Kenilworth Road. The site is .85 acre in size and lies within the R-2 zoning district.

He said at their meeting, May 1, 1991, the

Planning and Zoning Commission voted to recommend approval of the project 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.

Mr. Sherrill said the Planning Staff and the Commission is concerned about the steep bank on the property and the erosion problems that could occur and the compaction of the soil since the property has been filled. He said these concerns would have to be addressed by the Building Inspector during construction of the project.

Vice-Mayor Moore said he is familiar with the property and would have the same concerns as well as the silt that might be dumped into Kenilworth Lake.

William Harris of 40 Springdale spoke in opposition to the project stating that the multi family units are inappropriate for the neighborhood.

Jim Salaski, President of the Kenilworth Forest Homeowner's Association, said he felt it would be more appropriate to use the square footage of usable space rather than calculating usable and unusable land. He asked if the developer could reduce the number of units to four rather than five.

Paul Atkins, contractor for the project, said he did not think the number of units is a factor. He said the project meets all the requirements for the construction of five units. He said he could not answer whether five units would be feasible without further study.

Mayor Michalove said the property is within the zoning requirements. He did note that Council received a petition from the neighborhood opposing the project.

Mayor Michalove closed the public hearing at 5:00 p.m.

Councilman Ellison moved for the approval of the group development known as "Kenilworth Road Apartments" to be located at 475 Kenilworth Road pursuant to the contingencies outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Frank.

A discussion was held relative to Planning and Zoning Commission's contingency

that "the developer shall submit and receive approval of a single site plan with all of the required information by the Planning Department staff."

The City Attorney noted that it is Council's responsibility to approve the site plan and if the present site plan does not contain all the necessary information, Council could not delegate that authority to the Planning Staff. He suggested that the matter be delayed until the developer presents a proper site plan containing all the necessary information.

After discussion, Councilman Ellison withdrew his motion for approval.

Vice-Mayor Moore moved to delay action on the group development plan for Kenilworth Road Apartments to be located at 475 Kenilworth Road until the developer presents an appropriate site plan showing all the required information. This motion was seconded by Councilman Bratton and carried unanimously.

C. Public hearing relative to request to rezone property and grant a conditional use permit for the property known as the Manor Inn Apartments.

Ordinance No. 1916 - Ordinance Amending The Zoning Ordinance And The Zoning Map Of The City Of Asheville To Rezone Property Located At 265 Charlotte Street (Manor Inn Property) And Identified As Ward 2, Sheet 15, Lots 98 And 100 Of The Buncombe County Tax Maps To CU Conditional Use District.

Mayor Michalove opened the public hearing at 5:11 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.

Don Sherrill, from the Planning Department, said the developer is requesting that the Manor

property be rezoned from the current zoning of R-2 and R-3 to the Conditional Use District for Historic Landmarks. The property was previously designated a Historic Landmark by City Council. The proposed use will preserve the Manor as apartments. The existing zoning will not allow the density of units required for this project. The developer also requests the approval of a Conditional Use Permit by City Council. The architect has been working with the Historic Resources Commission, the Albemarle Park Residents, the Sunset/Grove Park Residents, and the Asheville Planning Department to develop a plan for the Manor that is sensitive to the residential needs and historic qualities of the area.

He said at their meeting May 1, 1991, the Asheville Planning and Zoning Commission voted to recommend approval to rezone the Manor property from the R-2 and R-3 zoning classification to the Conditional Use District for Historic Landmarks. The Commission also voted to recommend approval for the granting of a Conditional Use Permit for the Manor subject to the following conditions:

1. The multifamily residential density shall not exceed 55 units;
2. Parking areas may remain gravel;
3. Landscaping be provided in compliance with the Historic Resources Commission guidelines; and

4. The buildings be provided and remain as shown on the plan dated April 1, 1991 and revised April 18, 1991.

Robert Griffin, developer, spoke in support of the project. He said he has received unanimous support from the neighborhoods.

Tom Leslie, Project Manager and Leasing Agent, spoke in support of the project.

Jean Warner, President of the Preservation Society, said the developer purchased the property from the Preservation Society two weeks ago.

Mayor Michalove closed the public hearing at 5:25 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 Bratton moved for the adoption of Ordinance No. 1916 and the approval of the Conditional Use Permit as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Frank.

Nicasio Martinez, Route 3, Box 143A, Leicester, North Carolina encouraged the use of minority business contractors during construction of the project.

On a roll call vote of 6-0, Ordinance No. 1916 passed on first reading.

Mayor Michalove said the second reading of the ordinance would be held on June 4, 1991.

D. Public hearing relative to the Community Development Needs and Final Statement of Objectives for 1991-92.

Resolution No. 91-81 - Resolution Authorizing Submission Statement Of Community Development Objectives For FY 92 To The U.S. Department Of Housing And Urban Development.

Mayor Michalove opened the public hearing at 5:28 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.

Councilman Ellison said the Community Development/Housing Authority Committee reviewed each request for CDBG funds based on the CDBG Goals adopted by City Council. He said each request was given a priority rating based on these goals.

Councilman Ellison said the primary goals adopted by Council included: 1) to avoid homelessness; 2) to increase the supply of housing affordable to low and moderate income families and accessible to job opportunities; 3) to improve housing opportunities especially for disadvantaged minorities; 4) to help make neighborhoods safe and livable; 5) to expand opportunities for homeownership; 6) to provide a supply of mortgage financing at the lowest possible rates; 7) to encourage tenant empowerment in public housing. He also reviewed the priority ratings.

Councilman Ellison said after thorough review of all requests the Committee recommends funding for the following:

Neighborhood Housing Services \$100,000, Mountain Housing Opportunities \$100,000, Habitat for Humanity \$150,000, Head of Montford \$260,000, City Wide Rehab \$366,000, A-B Community Relations Council \$14,500, Vanderbilt Apts. \$63,500, Carolina House Shelter by ABCCM \$35,000, C.D. Planning \$30,000,

Minority Business Program \$30,000, C.D. Administration \$123,000.

Councilman Bratton said if Council is going to use the committee approach on recommending funding then the committee needs to be expanded. She said other programs should be considered other than primarily housing.

Paul Jackaway, Manager of the Vanderbilt Apartments, answered several questions from Councilman Bratton. He said the Vanderbilt Apartments is a private non-profit organization. He said the requested funds would be used to keep the minimum rent payments for tenants at \$165.00 and to replace drafty single pane windows which causes the electric bill to be 45% of their operation cost. He said the apartments are used by low and moderate income tenants and the average age of the residents is 83. He said they have no other place these individuals can go to live. He said the Vanderbilt Apartments are managed with two staff members. He told Councilman Bratton the members of the Board of Directors for the Vanderbilt Apartments. He said he presently has 155 tenants with 3 vacancies.

Larry Holt, Deputy Executive Director of the Housing Authority, explained the difference in City Wide Rehabilitation Program and Neighborhood Housing Services.

Rick Matthews, with Neighborhood Housing Services, answered questions from Councilman Bratton. He said Neighborhood Housing Services is a private non-profit organization. He said the requested funding would be used to improve lender participation and to assist first time home owners with their down payment. He reviewed the members of the Board for Councilman Bratton.

A representative from Carolina House Shelter by ABCCM answered questions from Councilman Bratton. He said the Carolina House Transitional Shelter will be used for up to 24 months of transitional housing for homeless, handicapped, individuals and families. He said they would provide social services, day care, and rehabilitation. He said the requested funding would be used for operations and support.

Marvin Vierra, Community Development Director, said the Minority Business Program is funded separately because their function is city wide and the operation of this program has to be separated in some way to determine what portion is conducted as far as Community Development is concerned.

Michelle Manning, with the Alzheimers Association, requested CDBG funds to help their organization with Cross Anchor Inn, a resident day care facility used by Alzheimers patients for up to thirty days in order to give their families a break from caring for them. She said caring for an Alzheimers patient is very trying and the families have to have a temporary break in order to deal with the situation.

Mrs. Bingham with the Alzheimers Association also spoke in support for funding for the Cross Anchor Inn. She said the funds would be used for operating expenses and they have requested funding in the amount of \$48,000. She said the Cross Anchor Inn serves a 25 county area and they presently receive some funding from the Land of Sky Regional Council.

Wanda Henry-Coleman, Executive Director of the YMI Cultural Center, spoke in support of funding for the South Pack Square Project. She said Council should continue what they had started in redevelopment efforts. She said the South Pack Square Project would eliminate blight conditions and provide jobs for minorities.

Councilman Frank noted that the South Pack Square Project was applied for by

the YMI Cultural Center as applicant. She said the South Pack Square Project received 50 points on the priority rating system applied to each application for funds.

Roger McGuire also spoke in support of funding for the South Pack Square Project.

Ted Prosser said funding should be provided for South Pack Square Project in order to protect investments. He said they originally requested funding in the amount of \$200,000 but could start and get going with \$89,000.

At the request of Councilman Ellison, Councilman Frank moved to excuse Councilman Ellison from the meeting. This motion was seconded by Vice-Mayor Moore and carried unanimously. (Councilman Ellison needed to attend another meeting)

Jim Barrett with Pisgah Legal Services said housing should be Council's number one concern and asked that in their considerations that funding for housing not be cut.

Tony Clarke-Sayer also spoke in favor of funding for housing services.

Mayor Michalove closed the public hearing at 6:44 p.m.

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

Councilman Bratton moved to approve the resolution and accept the recommendation of the Community Development/Housing Authority Committee with the exception that some funding go to the Alzheimers Association. This motion died for the lack of a second.

At the request of Councilman Estes, the City Attorney said he would not have a conflict of interest on voting on the CDBG funding even though he is a member of the Board of Directors for the Vanderbilt Apartments.

Upon motion of Vice-Mayor Moore, seconded by Councilman Frank, Resolution No. 91-81 was unanimously adopted.

Council asked the staff to analyze the projects that did not get funded and determine if other funds might be available for their projects.

Resolution Book No. 18 - Page No. 424-425

### III. OLD BUSINESS:

A. Ordinance No. 1917 - Ordinance amending Section 30-1-3 Jurisdiction of Ordinance No. 322 known as the Zoning Ordinance of the City of Asheville to add the areas specified as "The West Area" to the Extraterritorial Jurisdiction of the City of Asheville.

Verl Emrick, from the Planning Department, said a public hearing was held on this ordinance on May 7, 1991. He said the Planning and Zoning Commission has recommended that the area specified as the "West Area" be included in the City's extraterritorial zoning jurisdiction and the property zoned as recommended.

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



Ward Hendon, with the law firm of Adams, Hendon, Carson, Crow and Saenger, requested that the tract bordered by Monte Vista Road and Holbrook Road be zoned Light Industrial. He said the property is close to the interstate and is typically industrial property. He said it is his understanding that the state is proposing a frontage road in that area and this would allow the traffic to use this road rather than the interstate. He said the Chairman of the Planning and Zoning Commission stated at the public hearing that the Commission would not object if Council changed the proposed zoning from R-2 residential to Light Industrial.

Gary Tweed, 165 Monte Vista Road, Candler, North Carolina, supported the zoning as recommended by the Planning and Zoning Commission. He requested that if Council decides to change the zoning to Light Industrial that they send the matter back to Planning and Zoning Commission for another hearing for all the residents in the area to voice their opinion.

He said he contacted the North Carolina Department of Transportation and they indicated they have no plans for a frontage road.

Councilman Bratton moved for the adoption of Ordinance No. 1917 and to accept the recommendation of the Planning and Zoning Commission except for Lot 38 which shall be zoned Light Industrial District. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 5-0, Ordinance No. 1917 passed on first reading.

Mayor Michalove said the second reading of the ordinance would be held on June 4, 1991.

B. Ordinance No. 1909 - Second reading of an ordinance amending Chapters 26 and 30 of the Code of Ordinances of the City of Asheville (Hillside Development Requirements).

Mayor Michalove said the proposed amendments would assure that graded areas are distributed throughout the site and extend the Hillside Development Regulations to subdivisions.

Gerald Green, with the Planning Department, said as requested by Council, it is being recommended that Section 1 - 30-15-1(H) include the words "where feasible".

Rick Roberts with the Home Builders Association, requested that Council delay the second reading of this ordinance until Council considers the ordinance on street grades.

After discussion, Mayor Michalove said the second reading of the ordinance dealing with Hillside Development Requirements would be considered at the same time the ordinance dealing with Street Grades is considered. He said action is tentatively scheduled for June 4, 1991.

C. Ordinance No. 1911 - Second and third reading of an ordinance to extend the Corporate limits of the City of Asheville to an area known as Brevard Road.

Mayor Michalove said the adoption of this ordinance extends the corporate limits to the West Area. The ordinance specifically states that the Brevard Road Area meets the requirements for annexation, that it is the intent of the City of Asheville to provide services to the area as set forth in the Plan for the Extension of Municipal Services, and that upon the effective date of annexation the city will have sufficient funds appropriated to finance the construction of major trunk water mains and sewer outfalls needed in the area.

The ordinance fixes the effective date of annexation for June 30, 1991.

Helen Reed spoke in opposition to the annexation. She said the residents are being forced into annexation.

Paul Jones, 672 Sand Hill Road, spoke in opposition to the annexation. He said there are many elderly residents in the area proposed for annexation that are on fixed incomes and can not afford higher taxes. He said after checking with many of the residents he found that several of the residents were not notified of the annexation. He said all residents should be properly notified.

Patty Tallerday said notices were mailed to all recorded property owners. He said in the event a property owner could not be notified then the area was posted. He said when a mailing is returned then a certified registered letter is sent to the recorded property owners. He said every effort is made to give all recorded property owners proper notice.

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

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

D. Ordinance No. 1910 - Second reading of an ordinance amending the zoning ordinance of the City of Asheville (Articles 6 and 11 - Group Developments).

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

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

Vice-Mayor Moore moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1910. This motion was seconded by Councilman Frank and carried unanimously.

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

Ordinance Book No. 12 - Page 355 - 358

E. Ordinance No. 1912 - Third reading of an ordinance amending Section 2-44 (Delegation of City's power authority, duty; grant of franchise reserved to citizens) of the Code of Ordinances regulating the service area of the Asheville Transit Authority.

Mayor Michalove said this ordinance will allow the public transportation system to operate outside Asheville.

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

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

IV. NEW BUSINESS:

## A. Presentation of the Annual Budget for Fiscal Year 1991-92.

The City Manager presented the Annual Budget for Fiscal Year 1991-92 and highlighted the budget message.

Upon inquiry of Councilman Estes, the City Manager said a report will be given in the next few weeks relative to revenues the City can expect from the Fee Study.

Albert Sneed, Attorney representing the Council of Independent Business Owners, read a prepared statement relative to proposals to cut spending and save taxes without any reduction in services. He said the three specific proposals that will produce savings are: 1) Private Waste Collection; 2) Private Park Maintenance; 3) Public Relations; 4) Public Works Garage. The prepared statement is attached to the minutes and made a part of the minutes.

Nicasio Martinez, Leicester, North Carolina spoke in opposition to tax cuts. He said he would be willing to pay more taxes for better education for the children.

Chris Johansen spoke relative to the budget for 1991-92.

The City Manager said a public hearing regarding the Annual Budget for Fiscal Year 1991-92 will be held on

June 4, 1991.

## B. Ordinance No. 1918 - Ordinance amending Ordinance #1855, the Levy and Collection of Business License Taxes.

The City Manager said this ordinance provides for four new business classifications as allowed by North Carolina Department of Revenue: (1) Video Movies; (2) Campgrounds and Trailer Parks; (3) Mobile Home Dealers; (4) Telegraph Companies. It also provides a change of license fee amount for one existing classification: Restaurant - Current: \$.50 per seat - Revised: 5 or fewer seats, booths, etc. \$25.00 (Total) - More than 5 seats, booths, etc. \$42.50 (Total). It provides addition of reference to local ordinances for two existing classifications: (1) Pawnbrokers, and (2) Taxicabs. Provides addition to Article II Section 9 in regards to confidentiality of affidavits or other proof of gross receipts.

This will create a decrease in amount received from restaurants. Amount currently received is \$13,600. New amount to be received will be \$10,000. Revenue generated by new classifications will help offset the decrease anticipated in the restaurant change; however, at this point the revenue can only be estimated.

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

Councilman Estes moved for the adoption of Ordinance No. 1918. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 5-0, Ordinance No. 1918 passed on first reading.

Councilman Estes moved to suspend the rules and proceed to the second reading of Ordinance No. 1918. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1918 passed on second reading.

Vice-Mayor Moore moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1918. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1918 passed on third and final reading.

Ordinance Book No. 12 - Page 379 - 424

C. Ordinance No. 1919 - Ordinance providing for the removal and disposition of abandoned, nuisance, and junked vehicles.

John Rukavina, Chief of Fire Department, said this ordinance provides for handling of abandoned, nuisance and junked vehicles on public or private property. He said the proposed ordinance is based on a model ordinance developed in response to legislation enacted in the last General Assembly. He highlighted the significant changes from the current ordinance.

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

Councilman Estes moved for the adoption of Ordinance No. 1919. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1919 passed on first reading.

D. Ordinance No. 1920 - Budget amendment to appropriate funds for FAIR Housing Rehab Program.

Marvin Vierra, Community Development Director, said this budget amendment will reallocate CDBG funds from the CARROT (multi-family) to the FAIR (single family) housing rehab program.

Mayor Michalove 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. 1920. This motion was seconded by Councilman Bratton.

On a roll call vote of 6-0, Ordinance No. 1920 passed on first and final reading.

Ordinance Book No. 12 - Page 433

#### V. CONSENT:

A. Scheduling public hearing relative to rezoning property located at 1897 Hendersonville Road for June 18, 1991.

B. Scheduling public hearing relative to historical signs for June 18, 1991.

Upon motion of Councilman Frank, seconded by Councilman Bratton, the consent

agenda was unanimously approved.

#### VI. OTHER BUSINESS:

##### A. Downtown Commission Recommendation - Central Business District - Target Area for Renovation

Upon recommendation of the Downtown Commission, Councilman Frank moved that the Central Business District (CBD) be established as a "target area for renovation and rehabilitation to make the entire CBD eligible for participation in any and all federal programs, including the Section 312 Rehabilitation Loan Program. This motion was seconded by Councilman Bratton and carried unanimously.

B. Claims - Don Blankenship (Water) - Ethel McFalls (Wastewater) - Vauda Clark (Sanitation) - Faye Barnard (Wastewater) - Henry Hutchison (Water) - Thomas Campbell (Wastewater) - Jay H. Tarter (Police)

The City Manager said claims were received from Don Blankenship, Ethel McFalls, Vauda Clark, Fay Barnard, Henry Hutchison, Thomas Campbell, Jay H. Tarter.

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

##### C. LAWSUITS - Dillingham Construction Co., Inc. - (Construction Contract)

The City Manager said the City was served with a lawsuit on May 17, 1991 relative to "Amount due on construction contract - Asheville Regional Airport Project.

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

##### D. Nicasio Martinez - Racial Equality

Nicasio Martinez, Route 3, Box 143A, Leicester, North Carolina, again spoke to members of Council relative to racial equality in the City of Asheville.

##### E. Beaver Lake Heights Subdivision - Larry Buckner

Larry Buckner, developer for the proposed Beaver Lake Heights Subdivision, said as requested by Council at the May 9, 1991 Council meeting, he met with the Asheville-Buncombe Water Authority relative to his subdivision. He said the Water Authority approved the connection to the existing 2" water line if he sprinkled the houses constructed. He said they also approved the installation of a new 6" water line down Merrimon Avenue to increase the water supply to the residents in the area. He said the Planning Department informed him that Council would need to amend their motion relative to approval of the subdivision based on the Water Authority's recommendation.

After a brief discussion, it was determined that this matter should be postponed until Council members could get a clear understanding of exactly what the Water Authority approved for the Beaver Lake Heights Subdivision. Mayor Michalove said this matter would be placed back on the agenda for June 4, 1991.

##### F. May 28, 1991 City Council Meeting - Cancelled

Mayor Michalove announced that the May 28, 1991 City Council meeting has been cancelled due to Memorial Day.

#### VII. ADJOURNMENT:

Mayor Michalove adjourned the meeting at 8:50 p.m.

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MAYOR CITY CLERK

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