

Tuesday - June 18, 1991 - 4:00 P.M.

## Regular Meeting

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

Absent: Mayor Michalove, Councilman Price and Councilman Ellison arrived at the meeting at 4:15 p.m. They were at a meeting at the County Commissioners when the meeting began.

Vice-Mayor Moore presided over the meeting until Mayor Michalove arrived at 4:15 p.m.

## INVOCATION

The invocation was given by Councilman Estes.

## APPROVAL OF MINUTES

Vice-Mayor Moore announced the approval of the minutes of the June 4, 1991 meeting as submitted.

### I. PROCLAMATIONS:

A. Recognition of Good Neighbors - Bag-A-Thon participants for 1991.

Vice-Mayor Moore recognized representatives from Quality Forward who commended two youth groups and two poster "artists" for their outstanding participation in the spring cleanup in Asheville.

They said the Deaverview Youth - 45 youngsters picked up 90 bags of trash at the Deaverview Apartments. Hillcrest Enrichment Program - over 70 youth, working with some adults at Hillcrest, picked up more than 250 bags of trash.

They also recognized Tonya Stokley and Bobby Plemmons as the two poster "artists" for their participation in the spring cleanup.

Each participant was presented a certificate and a check for their outstanding participation.

B. Proclamation - "Interstate Batteries Great American Race Day - June 23, 1991.

Ann Whisenhunt, from the Parks, Recreation, and Public Facilities, said the City of Asheville is one of 13 cities nationwide serving as an overnight stop for the 14-day, 4,280 mile Interstate Batteries Great American Race, June 23, 1991. One hundred antique cars (1909 - 1938) will race across the country from Norfolk, Virginia, to Seattle, Washington.

Vice-Mayor Moore proclaimed June 23, 1991 as "Interstate Batteries Great American Race Day" and presented a copy of the proclamation to Ann Whisenhunt.

C. Proclamation - "National Fun and Fitness Week - June 17-23, 1991.

Ben Wax, with the Parks, Recreation, and Public Facilities, said the recreation and park profession has made a commitment to provide diverse fun and fitness programs for youth of all abilities, enhancing their overall fitness and health. He said recreation programming can help combat the problems of juvenile

delinquency, drug abuse, and general depression by highlighting new avenues of interest for youth of the community through the "Exercise the Right Choice" substance abuse awareness and prevention campaign.

He recognized staff and participants from the various Recreation Centers.

Vice-Mayor Moore proclaimed June 17-23, 1991 as "National Fun and Fitness Week" and presented a copy of the proclamation to Ben Wax.

D. Resolution No. 91-93 - Resolution of appreciation to Sheila Fellerath for her service as a member of the City of Asheville Civil Service Board.

Vice-Mayor Moore recognized Sheila Fellerath for her service as a member of the Civil Service Board.

Vice-Mayor Moore read the resolution.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 91-93 was unanimously adopted.

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Vice-Mayor Moore presented the resolution to Sheila Fellerath.

## II. PUBLIC HEARINGS:

A. Public hearing relative to the partial rezoning of 1897 Hendersonville Road from R-2 Residential District to OI Office Institutional District.

**Ordinance No. 1921 - Ordinance amending the Zoning Ordinance and the Zoning Map of the City of Asheville to provide for rezoning of a portion of property located at 1897 Hendersonville Road and presently identified as Ward 7, Sheet 110, Lot 12, of the Buncombe County Tax Maps and Records.**

Mayor Michalove opened the public hearing at 4:15 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.

Carol Alberice, Urban Planner II, said the petitioner, George Morosani for M. Realty Limited Partnership, is requesting tri-zoning a rectangular lot along Hendersonville Road from R-2 Residential District to OI Office Institutional District. She reviewed the surrounding zoning and uses of property in the area. She said a 20' buffer would be required between the Office Institutional District and the R-2 Residential District. She said the 2010 Plan recommends commercial land use for this area.

She said the property has a history of rezoning requests. She said on September 6, 1989 the CH line was moved West 65 feet and on December 5, 1990 a request was made that the entire rear portion of the lot be rezoned from R-2 Residential District to OI Office Institutional District; however, the petitioner withdrew the request before the vote.

David Matney, Attorney representing the petitioner, said the property is under contract with the Mediation Center. He spoke in support of the rezoning as requested.

Mayor Michalove closed the public hearing at 4:22 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 Frank moved for the adoption of Ordinance No. 1921. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1921 passed on first reading.

POLICE DEPARTMENT RECOGNITION

Police Chief Gerald Beavers said the Asheville Police Department has been named the 2nd Best Dressed Police Department Nationally. He said he was very proud of this award and he recognized members of the Police Department and the various uniforms used by the Police Department.

B. Public hearing relative to an ordinance amending Article 9 of Chapter 30 of the Code of Ordinances of the City of Asheville (Standards for Designating Historic Signs).

Mayor Michalove opened the public hearing at 4:29 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 this ordinance will establish standards for designating historic signs. He said the standards are as follows:

- A. The sign is significant to the development and/or history of the City of Asheville and has existed at its original location for not less than forty (40) years;
- B. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and it may no longer be economically feasible to produce or manufacture the sign today;
- C. The sign is/was a trademark sign or is/was an on-premise identification sign;
- D. The sign is not significantly altered from its historic period.
- E. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- F. If the sign has been altered, it must be restorable to its historic function and appearance utilizing original materials (wood, metal, or paint directly applied to buildings); and
- G. The sign must be restored and maintained in a fashion that retains those significant elements that provide the designation. Historically designated signs that have been altered or not maintained so as to comply will all of these criteria shall be determined by the City Council, after a public hearing on the matter, to no longer constitute a historically significant sign. Upon such determination, the sign must comply with all provisions of Article 9 of Chapter 30, including specifically, but not limited to, the non-conforming provisions of Section 30-9-10 of the Code of Ordinances.

Upon inquiry of Mayor Michalove, Mr. Green said no one in particular was notified that Council would be considering this change relative to historical signs.

Mayor Michalove said during the public hearing relative to the adoption of the Sign Ordinance the owners of the Forest Manor Motor Lodge on Hendersonville Road, the owner of the Mountaineer Inn on Tunnel Road and a few others expressed an interest in preserving historical signs.

Councilman Price questioned whether or not a landmark sign would be different from a historical sign. It was indicated that the proposed ordinance does not make provisions for landmark signs - just signs that are historical and are significant to the development and/or history of the City of Asheville and has existed at its original location for not less than forty (40) years.

Mr. Green said landmark signs can be dealt with separately if the need arises.

Several Council members indicated a desire that specific individuals that expressed an interest in historic signs during the public hearing on the Sign Ordinance be notified of Council's proposed action before a vote is taken on the matter. He specifically mentioned the owner of the Forest Manor Motor Lodge on Hendersonville Road, the owner of Mountaineer Inn on Tunnel Road, and Harry's Cadillac Dealership on Patton Avenue.

Mike Moser, Chairman of the Planning and Zoning Commission, and Danie Johnson, member of the Planning and Zoning Commission said when the Commission reviewed this amendment it was determined that at the present time there are no signs that would fall into the criteria of the proposed ordinance due the age of the signs specified in the ordinance.

Councilman Price moved to continue the public hearing relative to standards for designating historic signs until July 8, 1991, without further advertisement, giving the Planning Department an opportunity to notify interested individuals that Council is considering this amendment. This motion was seconded by Vice-Mayor Moore and carried unanimously.

C. Public hearing relative to an ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville (Standards for placing Manufactured Homes on Individual Lots).

Ordinance No. 1922 - Ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville (Standards for Placing Manufactured homes on individual lots)

Mayor Michalove opened the public hearing at 4:44 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 The Manufactured Housing Subcommittee has, for the past year and a half, been examining the role of manufactured housing in meeting the needs of City residents for affordable housing. Several tasks have been completed by the task force, including an overview of the need for affordable housing and an investigation of manufactured housing construction. Standards for manufactured homes which are to be placed on individual lots were developed by the Subcommittee to assure compatibility of manufactured homes with stick-built homes. These standards would apply to manufactured homes to replace existing mobile homes in the R-1 through R-4 Residential Districts and to all manufactured homes in the R-5 Residential District.

He outlined the proposed standards and said they were reviewed by the Asheville Planning and Zoning Commission at their meeting on May 1, 1991. After discussing the standards, the Commission recommended their adoption.

He said the Committee was made up of a representative from the Haw Creek Homeowner's Association, Kenilworth Homeowner's Association, Grove Park/Sunset Homeowner's Association, an owner of a manufactured home, the owner of a manufactured home operation, and a representative of a utility company.

Councilman Price questioned the provision for the manufactured home to be placed so that its longest side is parallel to the street. She said there are many places where the homes are not currently placed parallel to the street and there are places where it would not be feasible to make them parallel to the street.

Upon inquiry of Councilman Ellison, Mr. Green said the provisions outlined in the proposed ordinance are more stringent than standards required by the state.

Councilman Estes said he felt the proposed ordinance would make additional expenses for individuals wanting manufactured homes.

Mr. Green said he felt this ordinance would be a test case to see if the standards are acceptable and to see if the cost imposed by the ordinance would be prohibitive.

Several Council members indicated a desire to hear from members of the Subcommittee as well as manufactured home dealers. It was noted that the manufactured home dealers were not notified of Council's intent to consider the ordinance.

Councilman Ellison said he would also like for the staff to check with other cities to see what standards they apply to manufactured homes. He said he would also like for the proposed ordinance to have more publicity.

Mayor Michalove closed the public hearing at 5:05 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 Price moved for the adoption of Ordinance No. 1922. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1922 passed on first reading.

#### Announcement - Funding for Asheville Transit Authority

Mayor Michalove said the City currently subsidizes the Asheville Transit Authority in the amount of \$800,000. He said this amount does not include the cost of the transit buses. He said Council realizes the importance of the bus service. He said the Asheville Transit Authority recommended eliminating two routes and changing several others due to budget cuts. He said the Council has decided to fund the Asheville Transit Authority for at least six (6) months, until December 31, 1991, at a level in order not to reduce services at this time.

Mayor Michalove said the Council hopes a pending federal mass transit funding bill - which would go into effect with the new federal budget on October 1 - will take the financial strain off the City. He said if the bill passes, the federal government will supply half the total subsidy for the system.

Mayor Michalove said the Council would also be having a special work session by September to discuss the transit system funding.

#### III. OLD BUSINESS:

A. Ordinance No. 1923 - First reading of Ordinance amending Chapters 25 and 26 of the Code of Ordinances of the City of Asheville (Street Grades).

Gerald Green, Senior Planner said at their June 5, 1991, 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 Departments and the City Manager's Office. These amendments were revised based upon meeting with contractors, engineers, and other interested groups. In addition to the amendments prepared by staff, the Planning and Zoning Commission developed proposed amendments, including the one recommended for adoption. The recommended ordinance has the following characteristics:

A. A maximum grade of 12% is established for subdivision and group development streets; and

B. City Council, upon the recommendation of the Planning and Zoning Commission, is authorized to grant variances permitting street grades of 12.1% to 15%. The

Board of Adjustment is authorized to grant variances permitting street grades of 15.1% to 18%.

Mr. Green said the Planning Staff has withdrawn their requests for establishing standards for street grades. He said a copy of the most recent proposed ordinance was presented to Ted Orr with the Home Builder's Association and there seems to be no real problem with the ordinance.

Mike Moser, Chairman of the Planning and Zoning Commission, said the recommendation of the Planning and Zoning Commission was unanimous and they did not want to make the street grade process complicated.

Charles Penny, Assistant City Manager, said the staff will use the staff recommended street grade standards in working with developers.

A discussion was held relative to the legality of Council imposing a maximum street grade of 18%. It was noted that the Board of Adjustment operates independently and could approve a street grade in excess of 18% and decisions made by the Board of Adjustment could be appealed to the Superior Court. It was also noted that the 18% would be a guideline and Council could not impose an absolute maximum.

Councilman Price moved to amend the proposed ordinance to provide for the following: "Grades on street profiles in subdivisions shall be approved by the Department of Public Works, but they shall not exceed eight percent (8%) for arterial streets and roads and twelve percent (12%) for collector and local residential streets and roads. City Council upon recommendation by the Planning and Zoning Commission may approve a variance up to 15% for local residential streets. Upon granting of a variance by the Board of Adjustment local residential streets may be approved with grades between 15% and 18%.

Councilman Ellison made a substitute motion to amend the proposed ordinance to provide for the following: "Grades on street profiles in subdivisions shall be approved by the Department of Public Works, but they shall not exceed eight percent (8%) for arterial streets and roads and twelve percent (12%) for collector and local residential streets and roads. City Council upon recommendation by the Planning and Zoning Commission may approve a variance up to 15% for local residential streets. Upon granting of a variance by the Board of Adjustment local residential streets may be approved with grades in excess of 15%. This motion was seconded by Councilman Bratton, which motion carried on a voice vote of 4-3 with Mayor Michalove, Councilman Ellison, Councilman Bratton, and Councilman Estes voting "aye".

Councilman Ellison moved for adoption of Ordinance No. 1923 as amended. This motion was seconded by Councilman Bratton.

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. 1923, as amended, passed on first reading.

B. Ordinance No. 1924 - First reading of Ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville (Street Grade Requirements).

Gerald Green, Senior Planner, said this ordinance provides for street grade requirements to be applicable to group developments.

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. 1924. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1924 passed on first reading.

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

Gerald Green, Senior Planner, said this ordinance will amend the Hillside Development Requirements as set forth in Ordinance No. 631. The proposed amendments would assure that graded areas are distributed through out the site, where feasible, and extend the Hillside Development Regulations to Subdivisions.

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 7-0, Ordinance No. 1909 passed on second reading.

D. Ordinance No. 1917 - Third reading of Ordinance amending Section 30-1-3 of the Code of Ordinances of the City of Asheville (Territorial and Extraterritorial Jurisdiction of Zoning Ordinance).

Mayor Michalove 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 classification be assigned to the property. The action specified was acted upon at a special meeting held on March 6, 1991. This ordinance passed on first reading on May 21, 1991 and on second reading on June 4, 1991.

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 7-0, Ordinance No. 1917 passed on third and final reading.

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E. Further discussion relative to demolition or stabilization of 32 Broadway.

Mayor Michalove said The Preservation Society of Asheville and Buncombe County has made a proposal for the preservation of the building at 32 Broadway.

Jim Samsel, from the Preservation Society, Revolving Loan Fund, said the City stands to loose considerable tax revenue if the building is demolished and the property stands vacant - approximately \$5,000 over a 10-year period. The City will also be required to invest additional staff time (estimated at \$3,200) into the project before a resolution with the current owner is reached. If forced demolition is required, it is unclear whether the City could place a lien against the property for the demolition costs.

Mr. Samsel said as an alternate to continuing the arduous legal/administrative process, the Preservation Society urges the City to reallocate its resources and join them in stabilizing the building. He said the property can be marketed to a private developer and fully rehabilitated within 3 years.

Mr. Samsel indicated that prior to marketing, however, the building needs selective demolition, structural stabilization and a roof. The Preservation Society is prepared to invest \$25,000 beyond the acquisition cost. He said they have requested that the City match them on a 1:5 ratio with \$5,000 grant for demolition and hazardous material abatement.

Mr. Samsel also indicated that \$5,000 investment will net the City \$3,200 or more over a ten-year period. More importantly, this project will demonstrate the potential of a "partnership" between the City and a non-profit corporation that may prove to be a useful model for similar projects in the future.

Councilman Ellison moved that City Council commit to match the Preservation Society on a 1:5 ratio, not to exceed \$5,000, for the preservation of the building at 32 Broadway; provided further that the City Attorney, City Manager, and Jim Samsel with the Preservation Society, work out the details and prepare the necessary documents necessary to accomplish this commitment; provided further that the documents be considered by Council on July 8, 1991. This motion was seconded by Councilman Price and carried unanimously.

F. Ordinance adopting the City of Asheville Annual Budget for 1991-92.

The City Manager said this action will adopt the Fiscal 1991/92 Annual Operating Budget and sets the tax rate at \$.60 per \$100 assessed valuation for the City of Asheville.

Mayor Michalove said Council would take comments on the Budget at today's meeting; however, action would not be taken until the June 25, 1991 meeting pending the approval of the state budget which is expected within the next week. He said the city depends on sales tax, beer and wine tax and other taxes, from the state. He said how the state appropriates these taxes will affect the City Budget.

Minnie Jones spoke in support of funding for the Asheville Transit System.

Lanier Cansler, representing CIBO (Council of Independent Business Owners) reiterated CIBO's concerns about the proposed budget.

Mr. Cansler said they would again request that the Council consider contracting for some city services to save money. He specifically mentioned Private Waste Collection and Private Park Maintenance. He said they felt the Public Relations Department budget could be cut by \$100,000. He said they strongly suggest that the City put plans for the New Public Works Complex on hold until the privatization has been studied. He said this delay could produce significant short term savings.

Mr. Cansler again recommended that the City appoint a study commission to determine the efficiency of its operations. He said the County had appointed a Reorganization Commission and he presented a copy of a report to the 1991 Buncombe County Board of Commission entitled "Reorganization and Management of Buncombe County Government Study Commission" for Council's review.

Mr. Cansler also presented a number of petitions, containing some 5,000 signatures, requesting that the tax rate of sixty (\$.60) cents be changed to fifty-four (\$.54) cents.

Mr. Cansler also read the following questions and comments relative to the budget:

"On page #34, the words "secure financing" and on page #44 "debt funding" are used.

How much will this facility really cost in 91-92? We urge you to put this cost off.

On page #37, under 1990-91 Statement of Achievements #6 if processed claims filed against the City has been transferred from legal services to Risk Management Office - why is there no cut in personnel? Also legal litigation appears to be decreasing.

On page #37 - Where is outside legal fees - how much is budgeted.

Page 38 - Under salaries and wages for Audit and Budget there appears to be greater than a 10% increase in salaries and wages - why?

Page 38 - How much extra does it cost the City to prepare its annual operating budget to GFOA award standards? Do you need the extra expense?



Page 40 - How much does it cost to prepare the fourth annual report for the City of Asheville? Do we need this extravagance?

Page 40 - How much does it cost to prepare the history of the City Manager form of government? Do we really need this? Do we need this extravagance?

Page 40 - I would like to congratulate you for eliminating the bi-monthly information and event flyer which was to have been placed in water bills - it really was not needed.

Page 44 - Under 1990-91 Statement of Achievements, we would request that the upgrade of gasoline/service facility be deferred while you look at privatization.

Page 52 - Under #6, we would ask that you consider privatization and not buy new equipment until studies are completed.

Page 150 - why is the Civic Center losing two museums and still increasing the total staffing from 63-65?

Finally, I would like to give you an article from the "The State" newspaper in Columbia S. C. regarding privatization. This is truly the new wave of City service. You save money and keep services at the same time."

Mayor Michalove said he was upset when CIBO called for a 10 percent across-the-board tax cut in January, but he now welcomed CIBO's attention since it has backed away from trying to get a referendum on the budget and instead put forward constructive cost-saving suggestions.

Mayor Michalove said it is too late to incorporate the suggestions in the 1991-92 budget, but the Council would look at these suggestions during their mid-year retreat in August.

Albert Sneed said if Council could not implement these suggestions then Council should at least look at the philosophy behind the suggestions.

Al Whitesides, President of the Board for the YMI Cultural Center, spoke in support of the requested funding for the YMI Cultural Center.

During the discussion relative to the YMI Cultural Center funding, Council requested additional information from the YMI such as: 1) In a document given to the City the YMI requested \$26,000 for a Minority Loan Pool Coordinator; and \$24,650 for Economic Development; however the YMI requested total funding of \$62,595. - Why the difference? 2) Requested that the YMI Cultural Center Auditor furnish Council with an explanation of a copy of a letter furnished to members of Council that indicated a negative audit impact for the YMI Cultural Center.

Albert Sneed again requested that Council reconsider holding off on the construction of the Public Works Complex. He said it has been indicated that the City in the near future will have to fund \$120 million for infrastructure needs and these funds will have to come from somewhere.

Mayor Michalove said Council would consider the Budget Ordinance at next week's meeting on June 25, 1991 and it is hopeful that the State will adopt their budget within that time frame.

#### IV. NEW BUSINESS:

A. Ordinance No. 1925 - Budget amendment to appropriate 17th Year CDBG Entitlement Grant Funds.

The City Manager said the City has received approval from HUD for the Seventeenth Year CDBG program in the amount of \$1,214,000. Program income is estimated to be \$58,000. The allocation of these funds were approved by City Council on May 21, 1991. This ordinance will appropriate the funds into the budget for the year beginning July 1, 1991.

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. 1925. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1925 passed on first and final reading.

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B. Ordinance No. 1926 - Budget amendment to appropriate CDBG Funds for the Hillcrest Enrichment Program.

The City Manager said this action will appropriate CDBG funds for the Hillcrest Enrichment Program. The program is designed to increase opportunity and self-esteem of public housing youth. The program will be administered by the Housing Authority and expanded to include all public housing communities in the City. The amount of the budget amendment is \$10,000 of CDBG Supplemental funds and reallocation of \$10,000 existing CDBG Contingency and surplus funds.

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

Councilman Price moved for the adoption of Ordinance No. 1926. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1926 passed on first and final reading.

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C. Resolution No. 91-94 - Resolution authorizing the submission and execution of an application to the U.S. Department of Housing and Urban Development for Rental Rehabilitation Program Funds.

The City Manager said the application is for \$29,000 of Rental Rehabilitation funds. These funds will be matched by private funding for the rehab of approximately four units of rental property for low-moderate income tenants. The project is administered by the Housing Authority under contract with the Community Development Division.

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 Vice-Mayor Moore, seconded by Councilman Frank, Resolution No. 91-94 was unanimously adopted.

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D. Resolution No. 91-95 - Resolution authorizing the City Manager of the City of Asheville to enter into a lease agreement for the City for use of the athletic fields at Bullman Park on New Haw Creek Road from East Asheville Youth Association.

The City Manager said this resolution will authorize the execution of a lease agreement for the use of the facilities owned by the East Asheville Youth Activities, Inc. The Asheville Parks and Recreation Department has used the athletic facility located on New Haw Creek and Bell Roads for youth recreational purposes since 1976. This cooperative arrangement has proven to be very beneficial to the residents in the East Asheville area and to the City of Asheville.

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 Price, Resolution No. 91-95 was unanimously adopted.

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E. Resolution No. 91-96 - Resolution authorizing the City Manager to execute an amended contract with the Land-of-Sky Regional Council.

The City Manager said the existing contract with Land-of-Sky Regional Council for transportation planning services expires on June 30, 1991. The contract amendment provides a ceiling of \$74,600 which is needed to conduct the transportation planning program in FY 1992 (July 1, 1991 - June 30, 1992). Major work elements for FY 1992 approved by the Transportation Advisory Committee on February 13, 1991 include: The Thoroughfare Plan update; corridor planning for Hendersonville Road and Broadway Ave.; base map updating; the development of right-of-way preservation procedures and environmental analysis of alternate transportation plans. The contract amendment increases the ceiling on the amount the Land of Sky Regional Council by \$4,600 over last year. The City's share of the amended contract cost is \$11,190 (15%).

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 Price, seconded by Vice-Mayor Moore, Resolution No. 91-96 was unanimously adopted.

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G. Ordinance No. 1927 - Ordinance amendment for year-end adjustments.

The City Manager said this budget amendment is to incorporate final "clean up" budget revisions into the accounting system.

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. 1927. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1927 passed on first and final reading.

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V. CONSENT:

A. Scheduling public hearing relative to rezoning property on Swannanoa River Road for July 8, 1991.

B. Scheduling public hearing relative to rezoning property on Leicester Highway and County Home Road for July 8, 1991.

C. Resolution No. 91-97 - Resolution appointing member to the Asheville Tree/Greenway Commission.

SUMMARY: Appointment of Leni Sitnick for a three year term, term expiring August 1, 1994.

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D. Resolution No. 91-98 -Resolution appointing member to the Buncombe County War on Drug Commission.

SUMMARY: Reappoint of Arthur Eddington, term expires July 1, 1994.

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E. Resolution No. 91-99 - Resolution appointing members to the Motion Picture Operators Board of Examiners.

SUMMARY: Reappointment of Roy B. Gibbs and William P. Suddereth, terms expiring July 1, 1993.

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F. Resolution No. 91-100 - Resolution appointing members to the Board of Electrical Examiners.

SUMMARY: Reappointment of Frank Davis, Harvey Burleson, Walter J. Harlow, Jonathan D. Smith, and Malachie Cromartie, terms expiring July 1, 1993.

Resolution Book No. 18 - Page 444

G. Resolution No. 91-101 - Resolution appointing members to the Recreation Board for Asheville.

SUMMARY: Reappointment of Nancy Boland, Carolyn Tingle, and Marvin A. Nockow, terms expiring June 30, 1994.

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H. Resolution No. 91-102 - Resolution appointing members to the Asheville-Buncombe Historic Resources Commission.

SUMMARY: Reappointment of Richard Mathews, term expiring July 1, 1994 - Appointment of Randee Goodstadt, term expiring July 1, 1994 - Appointment of Bruce Johnson, term expiring July 1, 1992.

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I. Resolution No. 91-103 - Resolution appointing members to the Asheville Area Civic Center Commission.

SUMMARY: Reappointment of Joe Eblen and Rankin Hipp, term expiring June 30, 1994 - Appointment of B. Allan Culberson, term expiring June 30, 1994.

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J. Resolution No. 91-104 - Resolution appointing members to the Board of Adjustment.

SUMMARY: Appointment of Jeff Dave as a Regular member, term expiring January 21, 1993 - Appointment of Ernest I. Melin, term expiring January 21, 1992.

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K. Resolution No. 91-105 - Resolution appointing member to the Downtown

Commission.

SUMMARY: Appointment of Donald Harrison to serve the unexpired term of Ed MacFarland

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L. Motion to authorize the City Manager to execute a letter of indemnification/hold harmless to be given to Landmark Management, Inc. and Pack Plaza Associates Limited Partnership.

SUMMARY: Authorize City Manager to execute letter of indemnification to be given to Landmark Management, Inc. to permit City to use top level of parking deck for fireworks display on 4th of July.

M. Motion to reschedule July 9, 1991, City Council Meeting to Monday, July 8, 1991.

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

#### VI. OTHER BUSINESS:

##### **A. Report of Group Development Actions by Planning and Zoning Commission**

Patty Tallerday, Acting Planning Director, 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 June 5, 1991.

##### **(1) WESTERN NORTH CAROLINA BAPTIST HOME EXPANSION ON RICHMOND HILL DRIVE**

Patty Tallerday said the Asheville Planning and Zoning Commission on June 5, 1991, reviewed and approved the site plan of Western North Carolina Baptist Home Expansion on Richmond Hill Drive subject to the following contingencies:

1) Receipt of approval letters for water

availability and sanitary sewer allocation;

2) Approval by City Street Division for the proposed driveway entrance.

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

##### **(2) LEICESTER HIGHWAY SHOPPING CENTER (RESUBMITTAL)**

Patty Tallerday said the Asheville Planning and Zoning Commission on June 5, 1991, reviewed and approved the site plan of Leicester Highway Shopping Center (Resubmittal) subject to the following contingencies:

1) Developer contact the NCDOT to assure that there are no conflicts between the proposed development and the planned widening of Leicester Highway (NC63); and

2) Approval of driveway permit and right-of-way encroachment for storm water drainage facilities within the Leicester

Highway right-of-way by NCDOT; and

3) Receipt of a revised water availability letter.

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

B. Councilman Frank - Comments Relative to Design Review Committee and CDBG Committee

Councilman Frank noted that the Design Review Committee would be meeting on Friday, June 28, 1991.

Councilman Frank said if Mayor Michalove wanted to continue with the Community Development Block Grant Committee that she would like for them to meet as soon as possible to evaluate the procedure used to prioritize funding request.

**C. CLAIMS - Diane Roberts (Parks) - Amy Bumpus (Police) - Robert Lee Hood (Police) - Melvin McKinney (Water) - Joseph McGuire (Water) - Mrs. Raymond Pearson (Water) - Joan Buchanan (Water) - Billy Ray Smallwood (Water) - Clifford Featherstone (Water) - Keith Falconer (Water) - David Hollowell (Water) - J. E. Patton (Water) - Mike Coin (Water) - Nell Tipton (Water) - Rita Bradley (Streets) - Mickey Fisher (Water) - Dwight Crawford (Sanitation) - Billie Riddell (Water)**

The City Manager said claims were received from Diane Roberts, Amy Bumpus, Robert Lee Hood, Melvin McKinney, Joseph McGuire, Mrs. Raymond Pearson, Joan Buchanan, Billy Ray Smallwood, Clifford Featherstone, Keith Falconer, David Hollowell, J. E. Patton, Mike Coin, Nell Tipton, Rita Bradley, Mickey Fisher, Dwight Crawford, and Billie Riddell.

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

VII. ADJOURNMENT:

Mayor Michalove adjourned the meeting at 7:50 P.M.

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**MAYOR CITY CLERK**

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