

Tuesday - September 17, 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:

INVOCATION

The invocation was given by Councilman Bratton.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the September 10, 1991 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - September 17-25, 1991 -

Asheville-Vladikavkaz Sister City Week"

A ceremony was held between official representatives of Vladikavkaz, North Ossetia, Russia and the City of Asheville for a Sister City relationship.

Mayor Michalove welcomed Larisa Batrbekovna Habitsova, Chairman of the Town of Vladikavkaz, Soviet of Peoples Deputies and Mikhail Mikhailovich Shatalov, Chairman of the Executive Committee of the Town of Vladikavkaz, Soviet of Peoples Deputies. He presented gift to them - a flag and a stone plaque.

The officials from Vladikavkaz presented the Mayor and members of Council with gifts - a flag and a ram's horn.

Mayor Michalove read the proclamation and presented it to the Vladikavkaz officials.

B. Proclamation - September 23 - 27, 1991 -
"Stay in School/Stay Off Drugs Awareness Week"

Mayor Michalove proclaimed September 23 - 27, 1991 as "Stay in School/Staff Off Drugs Awareness Week". He said the proclamation was requested by George P. Eckles, Lieutenant Colonel, U. S. Army Commander.

C. Proclamation supporting Youth Waste

Management Contest

Mayor Michalove read the proclamation and presented the proclamation to Doug Pearson, Superintendent of the Asheville City Schools.

Mr. Pearson said in the Spring of 1991, the City, the County, and Quality Forward joined forces to educate the public about the concepts of integrated

waste management. This education has taken the form of a slogan contest that is being run this fall primarily throughout the City and County schools. Lesson plans on sound waste management practices have been distributed to all city and county school teachers. The teachers have been encouraged to develop curriculum around this subject and to help their students to enter the contest. The contest ends on October 18 and the winners will be announced and prizes will be awarded to the winner and to his/her school.

D. Resolution No. 91-162 - Resolution of appreciation for recent retiree, David Warren.

Mayor Michalove recognized David Warren, recent retiree.

Mayor Michalove read the resolution stating that Mr. Warren has been with the City of Asheville for 19 years as a Firefighter in the Asheville Fire Department. Mr. Warren retired August 1, 1991.

Upon motion of Councilman Bratton, seconded by Vice-Mayor Moore, Resolution No. 91-162 was unanimously adopted.

Mayor Michalove presented the resolution to Mr. Warren.

Resolution Book No. 19 - Page 1

E. Resolution No. 91-163 - Resolution of appreciation for recent retiree, George Reepe.

Mayor Michalove read the resolution stating that Sergeant Reepe has been with the City for 30 years. He worked in the Asheville Police Department as a Police Sergeant and retired August 1, 1991.

Upon motion of Councilman Frank, seconded by Vice-Mayor Moore, Resolution No. 91-163 was unanimously adopted.

Police Chief Beavers accepted the resolution for George Reepe.

Resolution Book No. 19 - Page 2

F. Resolution No. 91-164 - Resolution of appreciation for recent retiree, Warren Worley.

Mayor Michalove read the resolution stating that Officer Worley has been with the City for 23 years. He worked in the Asheville Police Department as a Police Officer Sr. and retired August 1, 1991.

Upon motion of Councilman Ellison, seconded by Councilman Price, Resolution No. 91-164 was unanimously adopted.

Police Chief Beavers accepted the resolution for Warren Worley.

Resolution Book No. 19 - Page 3

G. Resolution No. 91-165 - Resolution of appreciation for recent retiree, Clyde Beavers.

Mayor Michalove read the resolution stating that Major Beavers has been with the City for 31 years. He worked in the Asheville Police Department as a Police Major and retired August 1, 1991.

Upon motion of Councilman Bratton, seconded by Vice-Mayor Moore, Resolution No.

91-165 was unanimously adopted.

Police Chief Beavers accepted the resolution for Clyde Beavers.

Resolution Book No. 19 - Page 4

H. Presentation of Civilian Heroism Awards - Fire Department

Resolution No. 91-166 - Resolution recognizing the Heroic actions of Ralph Mabry at the LaMancha Apartments Fire on September 28, 1990

Chief John Rukavina said on the evening of September 28, 1990, a fire occurred at Lamancha Apartments, trapping 7 month old, Timothy Parks, in the burning apartment. Mr. Mabry, a resident of LaMancha Apartment, observed the fire-engulfed unit and dashed through the flames to rescue the baby, carrying him outside and administering CPR with his wife, to keep the infant alive. When entering the burning room he was exposed to great danger and personal risk.

Mayor Michalove and Chief Rukavina recognized Ralph Mabry for his heroic actions for his courage and quick thinking in going beyond the call of duty to save a life.

Upon motion of Councilman Price, seconded by Vice-Mayor Moore Resolution No. 91-166 was unanimously adopted.

Resolution Book No. 19 - Page 5

Resolution No. 91-167 - Resolution recognizing the Heroic actions of David Bethea at a Fire at 126 Broad Street on March 18, 1990.

Chief John Rukavina said on Sunday, March 18, 1990, at 1:30 p.m. a fire occurred at 126 Broad Street, where Harold Young slept in an upstairs bedroom. David Bethea, a neighbor of Young, observed flames blocking the back door and heavy smoke in the upstairs area; kicked the front door down, removed the occupant from the house to safety and exposed himself to heavy smoke and dangerous conditions.

Mayor Michalove and Chief Rukavina recognized David Bethea for his heroic actions in helping others.

Upon motion of Councilman Price, seconded by Vice-Mayor Moore Resolution No. 91-167 was unanimously adopted.

Resolution Book No. 19 - Page 6

Resolution No. 91-168 - Resolution recognizing the Heroic actions of Edward Singleton at a fire at 126 Broad Street on March 18, 1990

Chief John Rukavina said on Sunday, March 18, 1990, at 1:30 p.m. a fire occurred at 126 Broad Street, where Harold Young slept in an upstairs bedroom. Edward Singleton, a neighbor of Young, observed flames blocking the back door and heavy smoke in the upstairs area; kicked the front door down, removed the occupant from the house to safety and exposed himself to heavy smoke and dangerous conditions.

Mayor Michalove and Chief Rukavina recognized Edward Singleton for his heroic actions in helping others.

Upon motion of Councilman Price, seconded by Vice-Mayor Moore Resolution No. 91-168 was unanimously adopted.

Resolution Book No. 19 - Page 7

Resolution No. 91-169- Resolution recognizing the Heroic actions of Walter Guinn at a fire at 85 North Liberty Street on June 21, 1991.

Chief John Rukavina said on Friday, June 21, 1991, at 11:31 p.m., a kitchen fire occurred at 85 North Liberty Street, where Emmett Roundtree was unconscious. Walter Guinn, building manager entered the apartment with a tenant and found Emmett Roundtree on the kitchen floor, carried him to safety and extinguished the fire. He exposed himself to personal danger in this rescue situation.

Mayor Michalove and Chief Rukavina recognized Walter Guinn for his heroic actions in an emergency situation.

Upon motion of Councilman Price, seconded by Vice-Mayor Moore Resolution No. 91-169 was unanimously adopted.

Resolution Book No. 19 - Page 8

Resolution No. 91-170 - Resolution recognizing the Heroic actions of David Baber at a fire at 85 North Liberty Street on June 21, 1991.

Chief John Rukavina said on Friday, June 21, 1991, at 11:31 p.m., a kitchen fire occurred at 85 North Liberty Street, where Emmett Roundtree was unconscious. David Baber, a tenant entered the apartment with the building manager and found Emmett Roundtree on the kitchen floor, carried him to safety and extinguished the fire. He exposed himself to personal danger in this rescue situation.

Mayor Michalove and Chief Rukavina recognized David Baber for his heroic actions in an emergency situation.

Upon motion of Councilman Price, seconded by Vice-Mayor Moore Resolution No. 91-170 was unanimously adopted.

Resolution Book No. 19 - Page 9

II. PUBLIC HEARINGS:

A. Public hearing relative to group development plan of 33 Broadview Duplexes.

Mayor Michalove opened the public hearing at 4:33 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.

Upon inquiry of the Mayor, the City Attorney said City Council should not consider the merits of other properties developed by the developer in considering approval of this group development. He said Council simply has to determine if this project meets all standards.

Don Sherrill, Urban Planner, said the group development request for 33 Broadview

involves the location of eleven residential duplexes on the proposed site. The project will be constructed in two phases. The first phase will include the placement of five duplexes on the site. Phase two will include the construction of the remaining six duplexes. One residential duplex is currently located on the site.

The entire site is 4.5 acres in size and lies within the R-3 Medium Density Residential Zoning District. The site is surrounded on all sides by R-3 zoning. The surrounding land uses includes single family residences on three sides. Vacant land and Interstate 40 abut the property to the east.

The project meets all of the zoning requirements for parking, landscaping, and building setbacks.

The Planning Department has received letters confirming water availability and sewer allocation. The Asheville Fire Department has indicated that adequate fire protection for the entire site will be available if the developer extends the existing 6" waterline onto the property and provides a fire hydrant on site. The proposed plans include the waterline extension and the fire hydrant.

This project came before the Asheville Planning and Zoning Commission in June. The item was tabled until the July meeting due to some outstanding information that the developer needed to provide. The missing information included:

- 1) Letters of water availability and sewer allocation;
- 2) A utility easement from the adjacent property owner for the sewer line extension; and
- 3) Provisions for the placement of a fire hydrant, as recommended by the Fire Department, during Phase II of the project.

The developer has provided letters of water availability and sewer allocation. The plans have been revised to include the fire hydrant placement during Phase II of the project. The plans for sewer have also been revised. The sewer will extend from Onteora Blvd. onto the property owned by the developer rather than crossing the adjacent property owner's land. MSD is scheduled to make some improvements to

the sewer line on Onteora Blvd. due to some problems with the line. These improvements will need to be completed prior to the developer connecting to the Onteora line.

Don Sherrill stated that there has been a great deal of public opposition to this project. Concerns include: the placement of multifamily housing in an area that is predominantly single family, increased traffic congestion, poor upkeep of the property in the past, on site dumping of materials over the years, and lowering of property values.

The developer has cleaned up most of the surface debris that has been dumped on the site. Mr. Sherrill stated that he had spoken with Jim Patterson, a landfill specialist with the North Carolina Department of Health Environment and Natural Resources. He is familiar with the site. He said the developer is nearly complete with the surface cleanup. Mr. Patterson also stated that it was the responsibility of the landowners to locate the boundaries of the subsurface fill site and have a surveyor survey the fill area and include the area on a plat of the property to be recorded at the Register of Deeds.

At their August 7, 1991 meeting, the Asheville Planning and Zoning Commission voted to recommend approval of the group development request with two contingencies:

- 1) Conveyance of an easement for sewer line extension; and
- 2) The developer comply with state requirements

regarding the landfill.

Mr. Sherrill said the developer has indicated that he will comply with the two contingencies.

Several members of Council asked questions relative to environmental concerns about the property, i.e., the landfill area.

Gary Rowe, Attorney representing the developer, Richard McBrayer, spoke in support of the project. He presented members of Council with a prepared notebook showing the proposed project as well as other projects completed by Mr. McBrayer. He said his client wants to be consistent with the neighborhood and has responded to all requests of the Planning and Zoning Commission. (A copy of the prepared notebook is on file in the Office of the City Clerk). He said the rental units would be rented to low/medium income families at a range of \$300 to \$325 per month. He said his client is willing to meet all the requirements of the City and the state as far as the previous dumping area. He said there are many requirements in place that the developer has to comply with in terms of the development.

Councilman Price said she was concerned about constructing over a previous landfill and the property owners/occupants should know about the previous landfill. She said she had also received calls about the sewer backing up in this area just last week.

A lengthy discussion was held relative to the dumping area and the sewer problems.

Dr. Williams of 186 Onteora Blvd. spoke in opposition to the project. He presented prepared notebooks, including pictures of the property in question, the dwellings proposed to be moved, the dumping site, letters in opposition and a petition opposing the project. He said they support quality development but this project would be detrimental to the City of Asheville and the neighborhood. He said the petition in opposition to the project contains approximately 600 signatures.

Nancy Williams of 186 Onteora Blvd. spoke in opposition to the project stating that the residents do not oppose the low income project, but this particular project and the manner in which it is going to be constructed. She said she was also concerned about the asbestos to be removed from the housing to be moved.

The following individuals also indicated their opposition to the proposed project at 33 Broadview:

Homer Kennedy - Westover Drive
Resident of 22 Broadview Avenue
Faye Fox
Julie Willingham, 49 Broadview
Johnny Carr, 154 Liberty Street
Gwen Edwards
Dave Willingham, 49 Broadview
Kathryn Price
Rita Crane, Broadview Avenue

After discussion, Councilman Price moved to go into an executive session to discuss the legal aspects of the project. This motion was seconded by Vice-Mayor Moore and carried unanimously.

After about 10 minutes, Vice-Mayor Moore moved to reconvene into regular

session. This motion was seconded by Councilman Bratton and carried unanimously.

Mayor Michalove closed the public hearing at 6:58 p.m.

Councilman Price moved to deny the site plan of 33 Broadview Duplexes based upon health and safety considerations arising from the continued illegal dumping upon the site and sewer problems in the area and the responsibility of the Council to assure the safety of all citizens of the City and potential tenants of the development. This motion was seconded by Councilman Bratton and carried unanimously. e He

B. Public hearing relative to demolition of 83 Michigan Avenue.

Ordinance No. 1947 - Ordinance directing the Building Inspections to demolish the dwelling located at 83 Michigan Avenue.

Mayor Michalove opened the public hearing at 7:01 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.

Bob Hixon, Director of Inspections, said proceedings have been instituted in accordance with the provision of the City of Asheville Housing Code, Section 8-29 (B) (2), as authorized by N. C. General Statutes 160A-433 (1). A hearing was held on May 31, 1991, and the dwelling at 83 Michigan Avenue was found unfit for human habitation, and a Findings of Fact and Order was issued finding the dwelling, in its present condition, an imminent threat to life and property. The owners of the property are Billy Cagle and wife, Magdalena W. Cagle, and the property is recorded in the Office of the Register of Deeds in Deed Book 1266 at Page 715, and is shown on the Buncombe County/City of Asheville Tax Maps as Tax Lot 30.25, Ward 5, Sheet 6. The owners were given 60 days from the receipt of the Order to demolish the dwelling.

Mayor Michalove closed the public hearing at 7:09 p.m.

Vice-Mayor Moore moved for the adoption of Ordinance No. 1947. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1947 passed on first reading.

Vice-Mayor Moore moved to suspend the rules and proceed to the second reading of Ordinance No. 1947. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1947 passed on second reading.

Councilman Frank moved to suspend the rules and proceed to the third reading of Ordinance No. 1947. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1947 passed on third and final reading.

Ordinance Book No. 13 - Page 1-3

C. Public hearing relative to General Obligation Water Bonds.

Mayor Michalove opened the public hearing at 7:10 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 on September 10, 1991, Council introduced a bond order authorizing the issuance of the bonds and set the date and time of a public hearing for anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds.

There being no comments, Mayor Michalove closed the public hearing at 7:11 p.m.

III. OLD BUSINESS:

A. Ordinance No. 1943 - Second reading of an ordinance relative to ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville to provide for zoning vested rights.

Mayor Michalove said during their 1990 Regular Session, the North

Carolina General Assembly ratified Senate Bill 766 as Chapter 996 of the 1989 Session Laws. This bill provides for the establishment of a statutory vested right upon approval of a site specific development plan. Local governments are mandated to define what constitutes a site specific development plan and to identify the types of land use approvals for which development rights would be vested.

The proposed ordinance amendment establishes a vested right for a period of two (2) years following the approval of site specific development plans for the following developments:

Conditional Uses

Group Development

Small Projects

Subdivisions

Plans for these developments must be approved by City Council, or the Board of Adjustment for conditional uses. Development rights are vested following application by the landowner and a public hearing. Once development rights have been vested for a project, they can be revoked only if certain conditions are met.

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. 1943 passed on second reading.

Councilman Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1943. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1943 passed on third and final reading.

Ordinance Book No. 12 - page 480 - 486

B. Second reading of an ordinance relative to proposed wording amendment to the Zoning Ordinance - Neighborhood Parks.

Mayor Michalove noted that the second reading of this ordinance is being postponed for further staff review and study.

IV. NEW BUSINESS:

A. Redevelopment Plan for South Pack Square

Improvement Area - Phase II.

Councilman Bratton requested that she be excused from both discussion and vote on the South Pack Square Improvement Area - Phase II - Redevelopment Plan based on a possible financial gain since she is involved in a private venture that could take place in the subject area.

Councilman Ellison moved to excuse Councilman Bratton from both discussion and vote on the South Pack Square Improvement Area - Phase II - Redevelopment Plan. This motion was seconded by Councilman Price and carried unanimously.

Verl Emrick, with the Planning Department, said a redevelopment plan for the area is needed to protect local property owners, businesses and residents from non-compatible development. Haphazard development could cause adverse market conditions and prevent land values from achieving full potential.

He said the South Pack Square (Eagle-Market Street) area has historically been the black business center for the City's black population. The South Pack Square block is unique in that the white business district and the black business district abut at the corner of Biltmore Avenue and Eagle Street. Biltmore Avenue (the old South Main Street) remains white throughout the years and Eagle Street remains populated by blacks. South Market Street has had both racial groups in business on the street. Blacks as early as 1885 were beginning to occupy Eagle Street and many businesses were developed along Eagle Street by 1896.

He said new development of the 1990's could replace the cultural heritage of the block and the significant contribution of the City's black population to the downtown commercial district could be lost from future generations. The few remaining property owners have the opportunity to preserve the rich cultural heritage of the block if they are involved in the planning for the future development of the area.

He said the Pack Place Arts and Science Center will open in late 1991. The Center is located on South Pack Square surrounded by the multi-million dollar Pack Square project. The new City Public Works complex will open in 1992. The complex will be located along South Charlotte Street in close proximity to the South Pack Square (Eagle-Market Street) area. These large scale developments to the immediate north and east of the South Pack Square area will cause increased development pressure in the area. The area will attract development in support of the new large scale investments. The potential for speculative development will be greatly increased. Early investors and developers are already showing interest in the area.

He said a Redevelopment Plan adopted by City Council, the Asheville Planning and Zoning Commission, and the Housing Authority would have a crucial influence in the future development pattern for the area. The plan could specify the type and style of new development and preserve the cultural and architectural significance of the area. The plan should be developed by and for the existing property owners, businesses and residents of the area. Without the adoption of a Redevelopment Plan for the South Pack Square area future development patterns will be left to chance and private market conditions. The Plan will cause increased interest by potential investors and developments and cause the

redevelopment of the area to take place in a shorter time period than normal market conditions would allow.

He said on September 6, 1991 the Planning and Zoning Commission read and adopted a resolution which specified the following:

1) Defined a specific portion of the South Pack Square Planning Area, to be known as the South Pack Square Improvement Area; 2) Specified that this area meets the requirements of the statutes, GS 160A 503, and designated this area to be a non residential improvement area; and 3) requested, by motion, that the Asheville City Council direct the appropriate commission to prepare a Redevelopment Plan to address those problems specified in the report of Facts and Findings.

He said during the Commission's meeting several issues were articulated by several members of the public. These issues are basically:

1) Concern of who, that is what official body would be responsible for preparation of the redevelopment plan

The specific wish of the South Pack Square Improvement Association is that the committee, property owners and area business people have the responsibility of plan preparation

The statutes specify that the plan be prepared by the City's Redevelopment Commission - this official role is filled by the Asheville Housing Authority

However, the Authority has in the past worked in concert with specific neighborhood organizations in preparing redevelopment plans, a specific example is the Montford Redevelopment Plan - 1987.

He said there are at this point at least three alternatives open to Council in specifying who, what body is to be given the responsibility of plan preparation:

(a) Direct that the Housing Authority prepare the plan;

(b) Appoint a new or an additional Redevelopment Commission - if there is the latitude in the statutes to do so - the organization most frequently mentioned for this project is the South Pack Square Improvement Association;

(c) Assign the primary legal responsibility to the Housing Authority but specify that the preparation of the plan be accomplished by a consortium of several different groups, specifically the improvement committee, property owners, business owners, planning staff and AHA staff.

He said this approach was successfully used in preparing the Montford Plan and could be used again.

2) The second concern is directed toward removing 7 specific properties presently included in Pack Plaza Redevelopment Project (July 1984) and making them part of this plan.

These properties front Biltmore Avenue from Eagle Street south to Sycamore Street.

The primary rationale for this proposed change is that 1) in reality those properties have historically been more an integral part of the "South Pack Square Area" than the Pack Square area and 2) in terms of community involvement those properties and their various owners are integrated with the "South Pack Square Area."

The specific procedures for accomplishing the amendment to the Pack Plaza Plan should be addressed by the legal department.

3. Finally a great deal of concern is shared by everyone that has been involved in the planning process thus far in that this redevelopment effort not become a "slash, demolish and removal" type of project.

It seems that this concern can only be allayed by designing a planning preparation process which will be open and responsive to those most impacted by the implementation of any adopted plan. He said the report submitted to the Planning Commission states "The Plan will be developed by and for the existing property owners, businesses and residents of the area"., without this type of involvement the plan cannot succeed.

Councilman Ellison expressed great interest in the plan, particularly protecting any displaced individuals and broad participation in preparing the plan.

Wanda Henry Coleman, Executive Director of the YMI Cultural Center, spoke in support of the Redevelopment Plan. She said the YMI Cultural Center must be included in the preparation of the plan.

Mr. David Jones, Executive Director of the Asheville Housing Authority, spoke in support of the Redevelopment Plan. He strongly upheld the position of the Housing Authority as the Redevelopment Commission stating that the Authority has always done a good job for the City in carrying out Redevelopment Plans.

After discussion, Vice-Mayor Moore moved that the Asheville Housing Authority be the Redevelopment Agent for the South Pack Square Improvement Area Redevelopment Plan - Phase II and that the preparation of the plan be accomplished by a consortium of several different groups, specifically the improvement committee, property owners, business owners, planning staff and AHA staff. This motion was seconded by Councilman Frank and carried unanimously.

Council requested that the staff review the effect of removing the seven (7) specific properties presently included in the Pack Plaza Redevelopment Project and making them a part of the proposed South Pack Square Improvement Area-Phase II and to give a preliminary report to members of Council on October 1, 1991 on their findings.

B. Ordinance No. 1948 - Bond Order authorizing the issuance of \$26,000,000 of General Obligation Water Bonds of the City of Asheville, North Carolina.

Mayor Michalove said this action adopts the Bond Order introduced on September 10, 1991 authorizing issuance of \$26,000,000 of General Obligation Water Bonds.

Vice-Mayor Moore moved for the adoption of Ordinance No. 1948. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1948 was adopted.

Ordinance No. 13 - Page 4

C. Resolution No. 91-171 - Resolution setting a special election on the Bond Order Entitled "\$26,000,000 Water Bonds" and directing the publication of Notice of a Special Bond Election and Notification of the Buncombe County Board of Elections.

Mayor Michalove said North Carolina law requires a referendum election for issuance of general obligation bonds. The City Council has approved all preliminary steps toward issuing the \$26,000,000 water bonds leading up to calling a voter referendum on issuance of bonds for water system improvements. This resolution sets the referendum for November 5, 1991. This resolution also directs publication of Notice of the Election and request Buncombe County Board of Election assistance.

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

Upon motion of Councilman Ellison, seconded by Councilman Frank, Resolution No. 91-171 was unanimously adopted.

Resolution Book No. 19 - Page 10 - 11

V. CONSENT:

A. Resolution NO. 91-172 - Resolution relative to amending Zoning Protest Petition Form.

Summary: Parcel (pin) identification numbers are to replace ward, sheet and lot numbers on the current protest petition form issued by the City Clerk's office.

Resolution Book No. 18 - Page 12

B. Motion that the City Council confirm that Resolution No. 79-253, adopted by the Asheville City Council on November 29, 1979, relating to claims and judgments sought or entered against City officers or employees, shall apply in all respects to members of the Light Up Your Holidays Board of Directors and the Light Up Your Holidays First Night Asheville Committee.

C. Resolution No. 91-173 - Resolution authorizing the Mayor to execute on behalf of the City of Asheville a Federal Aviation Grant Agreement, Project No. 3-37-005-13 (Airport Master Plan Study).

SUMMARY: The FAA has offered a grant agreement to the Asheville Regional Airport Authority with the maximum obligation of the United States in the amount of \$181,620. The City of Asheville and the County of Buncombe are co-sponsors of the grant agreement and are therefore required to execute said grant agreement. The FAA has approved a project for the Airport or Planning Area (hereinafter referred to as "Project") consisting of the "Airport Master Plan Study." This resolution would authorize the Mayor to execute the FAA Grant Agreement, Project No. 3-37-03.005-13 in the amount of \$181,620.

Resolution Book No. 19 - Page 13

E. Resolution No. 91-174 - Resolution authorizing the Mayor to execute on behalf of the City of Asheville a Federal Aviation Grant Agreement, Project No. 3-37-005-14 (Runway 16/34 Centerline Lighting).

SUMMARY: The FAA has offered a grant agreement to the Asheville Regional Airport Authority with the maximum obligation of the United States in the amount of \$350,361. The City of Asheville and the County of Buncombe are co-sponsors of the grant agreement and are therefore required to execute said grant agreement. The FAA has approved a project for the Airport or Planning Area (hereinafter referred to as "Project") consisting of "Runway 16/34 Centerline Lighting." This resolution would authorize the Mayor to execute the FAA Grant Agreement, Project No. 3-37-0005-14 in the amount of \$350,361.

Resolution Book No. 19 - Page 14

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

VI. OTHER BUSINESS:

A. CLAIMS - Rosemary Stevens (Water) - Virginia Storm (Water) - Jeremiah Mull (Water) - Mildred Jackson (Water) - Billy Gevedon (Water) - Guy Roberts (Water)

The City Manager said claims were received from Rosemary Stevens, Virginia Storm, Jeremiah Mull, Mildred Jackson, Billy Gevedon, and Guy Roberts.

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

B. LAWSUITS - Jason J. Wallace (Alleged personal injury from an automobile accident)

The City Manager said the City was served with a lawsuit on September 12, 1991 involving Jason J. Wallace relative to alleged personal injury from an automobile accident.

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

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 8:05 p.m.

MAYOR CITY CLERK
