

Tuesday - November 15, 1994 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Vice-Mayor Peterson gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 94-221 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE JEFF MEADOWS

City Manager Westbrook read the resolution stating that Jeff Meadows has been an employee for nine years and has requested retirement from his position as Sanitation Equipment Operator in the Public Works . He expressed City Council's appreciation to Jeff for his service to the City of Asheville and its citizens.

Resolution No. 94-221 was adopted by acclamation.

RESOLUTION BOOK NO. 22 - PAGE 129

B. RESOLUTION NO. 94-222 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE ANNETTE McDANIELS

City Manager Westbrook read the resolution stating that Annette McDaniels has been an employee for 20 years and has requested retirement from her position as Recreation Center Director in the Parks and Recreation Department. He expressed City Council's appreciation to Annette for her service to the City of Asheville and its citizens.

Resolution No. 94-222 was adopted by acclamation.

RESOLUTION BOOK NO. 22 - PAGE 130

II. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING RELATIVE TO PARTIALLY REZONING 1401 PATTON AVENUE FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CH COMMERCIAL HIGHWAY DISTRICT

ORDINANCE NO. 2150 - ORDINANCE TO PARTIALLY REZONE 1401 PATTON AVENUE FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Martin said that this public hearing was opened on October 4, 1994, and continued until this date.

Mr. Carl Ownbey, Transportation Planner, said that this ordinance requests the rezoning of a portion of a lot, located at 1401 Patton Avenue, from R-3 Medium Density Residential to CH Commercial Highway. The property is currently being used for commercial purposes as an established funeral home. The lot is split zoned and the owner has requested that the entire lot be zoned CH. -2-

The City Planning staff has recommended that the portion of the lot be rezoned from R-3 Residential to CH Commercial Highway in order to eliminate the split-zoned lot. The building and parking lot (which are located on the portion of the lot that is zoned R-3), are being used for commercial purposes, therefore, the remaining portion of that lot should be rezoned to CH Commercial Highway.

However, the Planning and Zoning Commission reviewed the request and recommended denial of this portion.

Groce Funeral Home Inc. has appealed the Planning and Zoning Commission's decision.

Earlier during the day, Mr. Max Cogburn, attorney for Groce Funeral Home Inc., presented City Council with 16 letters from surrounding property owners. Most of the letters were from the property owners who signed the original petition opposing the rezoning but now after closer examination of the request, do not now oppose the rezoning.

Upon inquiry of Councilwoman Sitnick, Mr. Ownbey said that the R-3 zone does allow for professional offices as a conditional use if it abuts certain thoroughfares, and Patton Avenue is one of those thoroughfares. He said they would have to go to the Board of Adjustment, meet all the criteria under the conditional use requirements in the ordinance and get a conditional use permit from the Board to do any development of that piece of property.

Mayor Martin closed the public hearing at 4:16 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Swicegood moved for the adoption of Ordinance No. 2150. This motion was seconded by Vice-Mayor Peterson.

On a roll call vote of 7-0, Ordinance No. 2150 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 314

B. PUBLIC HEARING RELATIVE TO PARTIALLY REZONING 1389 PATTON AVENUE FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Martin opened the public hearing at 4:18 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Transportation Planner, said that this ordinance requests the rezoning of a portion of a lot from R-3 Medium Density Residential to CH Commercial Highway. The property currently has a vacant residential apartment on it which the petitioner wishes to demolish and construct a parking lot. The lot is split zoned and the petitioner has requested that the entire lot be zoned CH.

The City Planning staff has recommended that the portion of the lot located at 1389 Patton Avenue be rezoned from R-3 Residential to CH in order to eliminate the split-zoned lot and to allow commercial development of the vacant structure and accessory building.

The 2010 Plan indicates low density residential along the west side of Patton Avenue and commercial development on the east side of Patton Avenue in this area. However, the current character of the area has developed into commercial along both sides of Patton Avenue.

On October 5, 1994, the Planning and Zoning Commission reviewed the request and unanimously recommended denial of this portion.

On November 11, 1994, a protest petition was filed in the City Clerk's Office which contained 35 signatures requesting denial of this proposed rezoning. After review of the petition, the Planning Department determined that the petition was a valid protest petition which invokes the 3/4's vote requirement of the Council to approve the rezoning request.

Councilwoman Sitnick stated that she visited the property in question three times. She felt there is a jagged pattern all along Patton Avenue on that side. She was very impressed with the Lucerne Park neighborhood. While she understands the desire of the owner of the property to have it rezoned, because of the way the property lies the back portion, it actually juts into the residential houses on either side of it. The zoning line came straight across rather than following the property line. She is concerned about protecting the neighborhood and the tax base, which is considerable especially for West Asheville. She felt it was important to protect the stability of the neighborhood and the possible future potential of historic designation. There is incredible architecture back in Lucerne Park. While her feeling is that while those folks bought homes knowing they were one lot away from a commercial highway corridor, they did that knowingly. However, they did not expect to have a piece of property that was so oddly shaped intrude that deeply back into what is really a short residential community. She was not going to vote to rezone this piece of property.

Mr. Stephen Towe, real estate broker who has listed this property for sale, presented Council with a pamphlet in which he read from a page marked DRAFT as follows: "where uncertainty exists with respect to the boundaries of the various districts shown on the zoning maps, the following rules shall be used to interpret those maps: where a zoning line or district boundary is shown to coincide approximately with a property line or city limit line, the property line or city limit line shall be considered to be the district boundary, unless otherwise indicated." He stated that many places along Patton Avenue intrude into neighborhoods. He said that since 1937 this has always been one lot. The portion zoned R-3 is too small to use as an R-3 lot and felt it was a useless piece of land if not rezoned CH. The residents' argument has been based on that they don't want commercial intrusion into their neighborhood. He said if the property is zoned CH, there is a 20 foot buffer that would be required whereas if it is not rezoned, no buffer is required. The neighborhood will end up with people parking on the street which will result in more of a traffic hazard than currently exists or people will park in the grassy part zoned R-3 because there is not enough parking space on the existing CH lot to put any parking in. He questioned since when has it been the practice of the Planning & Zoning Commission to arbitrary interpret zoning laws based on the bias input of the neighbors. He said this is the only lot up and down the Patton Avenue corridor that is split zoned and that his client is being made to suffer and being discriminated against because of the personal bias of a few neighbors.

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Planning Director Julia Cogburn explained the buffering requirements and corrected Mr. Towe by stating that if the zoning were changed to CH, a 12-foot buffer would be required, not a 20-foot buffer.

The following residents in the area spoke against the proposed rezoning for several reasons: Ms. Jamie Ross, Ms. Robin Kastlor, a resident on Lucerne Avenue, and Mr. David Young. Mayor Martin also stated that Ms. Tipton and Mr. Tim Fullbright called in to express their opposition to the rezoning.

Councilwoman Sitnick stated that just because there is intrusion in other areas along Patton Avenue is not an argument for Council to approve more intrusion into a neighborhood. She felt that part of the neighborhood concern is that several pieces of property could be put together as Young mentioned and there could be some kind of extensive commercial development in there. She wondered even with a buffer requirement of 12 feet on a lot that size whether or not that back portion could be used for anything commercial. It seems to her that the buffering requirement would diminish the lot to a point of not being able to put a structure on it and as far as elevations are concerned, they change all the time in these mountains. The fact that the neighbors weren't contacted is a concern and this isn't just about a few local neighbors having their way. This is about one person being able to achieve a greater value for his property as opposed to the devaluing of a lot of properties for a lot of people. She respects a person's right to do with his property as he will, but this is not about that. This is not about someone wanting to make repairs to a garage or repair a handicapped ramp like the Grove Funeral Home, but it's about someone who owns a piece of land and wants to sell it and has the right to make as much money as he can on it. But in her mind, accruing that profit is at the expense of many people who live here who would not only be intruded upon as far as the physical aspect of commercial development taking place there, but their properties would be devalued.

Upon inquiry of Councilwoman Field, Mrs. Cogburn answered more questions relative to buffering and determined that we could not require a buffer on the street side.

Mayor Martin closed the public hearing at 4:52 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Mrs. Cogburn answered questions about under what circumstances the portion could be used for parking.

Councilman Watts moved to postpone consideration of this rezoning request until December 6, 1994, in order to give Council members time to visit the property in question. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Councilwoman Field requested a worksession with the Planning Department in order that Council clearly understand the issues surrounding this request and what Council's options are.

Vice-Mayor Peterson requested the Planning Department contact the neighborhood association to inform them of some of the issues raised today, i.e. buffering, parking, etc.

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C. PUBLIC HEARING RELATIVE TO VARIANCE FOR FANN SUBDIVISION

Mayor Martin opened the public hearing at 4:56 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Mike Mattson, Urban Planner, said that on November 2, 1994, the Planning and Zoning Commission voted to recommend approval of the preliminary plat and variance for Fann Subdivision. Fann Subdivision is a two lot subdivision on 5.98 acres on Carter Cove Road in North Asheville.

The variance requested is to allow a modification to the subdivision regulation which requires that every lot in a subdivision abut a public street.

The Planning staff recommended denial, however, on November 2, the Planning and Zoning Commission recommended approval of the variance.

Mr. Tom Steitler urged Council to approve the variance so he can sell two acres out of his six acre lot in accordance with the private subdivision regulations. They bought the lot prior to their being annexed into the City and now he needs a variance to protect his property rights.

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

Councilman Swicegood moved to approve the variance request to allow a modification to the subdivision regulation which requires that every lot in a subdivision abut a public street for Fann Subdivision. This motion was seconded by Councilwoman Sitnick and carried unanimously.

D. PUBLIC HEARING RELATIVE TO DEMOLITION OF 126 BROAD STREET

ORDINANCE NO. 2151 - ORDINANCE DIRECTING THE DIRECTOR OF BUILDING SAFETY TO DEMOLISH THE DWELLING KNOWN AS 126 BROAD STREET

Mayor Martin opened the public hearing at 5:05 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Jeff Trantham, Assistant Director of Building Inspections, said that inspections of 126 Broad Street revealed that the dwelling has a structurally unsound roof; the walls and floors have been damaged by fire; the heating, electrical and plumbing systems have been damaged; and the structure is unfit for human habitation.

Mayor Martin closed the public hearing at 5:06 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman McClure moved for the adoption of Ordinance No. 2151. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2151 passed on its first and final reading. -6-

ORDINANCE BOOK NO. 14 - PAGE 316

E. PUBLIC HEARING RELATIVE A QUARTERLY ADJUSTMENT TO THE MAXIMUM PERMITTED RATE OF TCI CABLEVISION OF ASHEVILLE FOR ITS BASIC SERVICE TIER

RESOLUTION NO. 94-223- RESOLUTION APPROVING A QUARTERLY ADJUSTMENT TO THE RATE SCHEDULE OF TCI CABLEVISION OF ASHEVILLE FOR THE BASIC SERVICE TIER

Mayor Martin opened the public hearing at 5:07 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Assistant City Attorney Patsy Meldrum said that the City of Asheville received a request from TCI Cablevision of Asheville for an increase in the recently approved rate for basic service tier of \$9.19 a month to a rate of \$9.52 a month, based upon the addition of a channel and an increase in external costs for the quarter from April 1, 1994, to June 30, 1994. On November 1, 1994, the City Council set this public hearing to review the request of TCI Cablevision of Asheville and to allow an opportunity for comments from TCI Cablevision of Asheville and from interested parties. City staff has reviewed their request and finds that it fits within the adjustment permitted by the Federal Communications Commission.

Upon inquiry of Mayor Martin, Ms. Meldrum stated that the only recourse the City Council has would be to postpone consideration because you need further information. If City Council fails to act, then the request goes into effect automatically within 30 days, whether City Council concurred or not.

Upon inquiry of Vice-Mayor Peterson, Mr. Dan Martin, General Manager of TCI Cablevision of Asheville, answered questions as they related to renegotiating a new franchise agreement with the City, submission of checks on time, auditing of records, etc.

City Attorney Slawter responded to questions from Councilman Watts as they related to late franchise fee payments.

Mayor Martin closed the public hearing at 5:24 p.m.

Mayor Martin said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Field moved for the adoption of Resolution No. 94-223. This motion was seconded by Councilman Watts and carried on a 5-2 vote, with Vice-Mayor Peterson and Councilwoman Sitnick voting "no".

RESOLUTION BOOK NO. 22 - PAGE 131

F. PUBLIC HEARING RELATIVE TO REZONING 591 BREVARD ROAD FROM CH COMMERCIAL HIGHWAY TO LI LIGHT INDUSTRIAL

ORDINANCE NO. 2152 - ORDINANCE REZONING 591 BREVARD ROAD FROM CH COMMERCIAL HIGHWAY TO LI LIGHT INDUSTRIAL

Mayor Martin opened the public hearing at 5:25 p.m.

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City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Transportation Planner, said that this ordinance requests approval for the rezoning of 591 Brevard Road from CH Commercial Highway to LI Light Industrial. The property is currently the U.S. Post Office Distribution Center. The petitioner wishes to construct an addition to the facility and since the Center is not a permitted use in CH, they must rezone to LI to allow for any expansion.

The 2010 Plan indicates industrial development for the area along the west side of Brevard Road and institutional development south of the subject property.

Upon inquiry of Councilwoman Field about a possible conflict of interest since her employer does work for the postal service, City Attorney Slawter felt that there was no conflict since her personal conduct was not an issue nor her financial gain is not involved.

Mayor Martin closed the public hearing at 5:27 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2152. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2152 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 318

G. PUBLIC HEARING RELATIVE TO REZONING ONE LOT ON EMMA ROAD FROM R-5 RESIDENTIAL TO LI LIGHT INDUSTRIAL

Mayor Martin opened the public hearing at 5:28 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Transportation Planner, said that this ordinance requests approval for the rezoning of one lot on Emma Road from R-5 Residential District to LI Light Industrial. The property is currently vacant with LI zoning on the north and south and R-5 zoning on the east and west.

The 2010 Plan indicates low density residential in the Emma Road and Dryman Mountain Road area. However, the current character of the area has changed and developed toward high density residential uses and light industrial uses including an industrial park.

Mr. David Owens, 611 Emma Road, thought that it was his property that was being requested to rezone.

Mr. Rustin Rice said that he was the petitioner asking for the property to be rezoned. He said the lot has a "For Sale" sign on it and the owner lives in Georgia. He has an option to purchase the land, but wants to wait to see if it can be rezoned. -8-

Councilwoman Sitnick moved to continue this public hearing in order to give the staff time to clarify the lot question. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

H. PUBLIC HEARING RELATIVE TO REZONING 6, 8 AND 20 SAND HILL SCHOOL ROAD AND 901 SAND HILL ROAD FROM NC NEIGHBORHOOD COMMERCIAL TO CG COMMERCIAL GENERAL

ORDINANCE NO. 2153 - ORDINANCE REZONING 6, 8 AND 20 SAND HILL SCHOOL ROAD AND 901 SAND HILL ROAD FROM NC NEIGHBORHOOD COMMERCIAL TO CG COMMERCIAL GENERAL

Mayor Martin opened the public hearing at 5:35 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Carl Ownbey, Transportation Planner, said that this ordinance requests

approval for the rezoning of 6, 8 and 20 Sand Hill School Road and 901 Sand Hill Road from NC Neighborhood Commercial to CG Commercial General. These properties contain one convenience store and three residential structures. The petitioner wishes to modernize the convenience store and upgrade his gas pumps to meet EPA standards.

The 2010 Plan indicates low density residential along Sand Hill Road and Sand Hill School Road in this area.

Mayor Martin closed the public hearing at 5:36 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman McClure moved for the adoption of Ordinance No. 2153. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2153 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 320

I. PUBLIC HEARING RELATIVE TO ANNEXATION OF WEST CHAPEL ROAD PARK

ORDINANCE NO. 2154 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING A CONTIGUOUS AREA LOCATED ON WEST CHAPEL ROAD KNOWN AS THE WEST CHAPEL ROAD PARK

Mayor Martin opened the public hearing at 5:36 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Patty Joyce, Senior Planner, said that this ordinance will annex a tract of land known as West Chapel Road Park. The Park is owned by the City of Asheville, however, it lies outside the current City limits. -9-

Mayor Martin closed the public hearing at 5:40 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2154. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2154 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 322

III. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2155 - ORDINANCE AMENDING THE CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR NONPARTISAN ELECTION OF THE MAYOR AND COUNCIL, USING THE "NONPARTISAN PRIMARY AND ELECTION" METHOD

Mayor Martin said that this public hearing was held on November 1, 1994.

City Attorney Slawter said that this ordinance will provide for a change from partisan elections to a nonpartisan primary and election method of selecting

the Mayor and members of Council. This method would provide for a primary to be conducted on the fourth Tuesday before the election, with the election to be conducted on the Tuesday after the first Monday in November. The voting would be as follows:

a. Mayor: A primary would be required if there are more than two candidates. The top two candidates in the primary are nominated and placed on the November ballot. The person receiving the highest number of votes in November is elected.

b. Council Seats: A primary is conducted if there are more than twelve candidates. The twelve candidates receiving the highest number of votes in the primary are nominated and placed on the November ballot. The six candidates receiving the highest number of votes in the November election are elected.

Vice-Mayor Peterson said that this ordinance should be adopted so as to become effective immediately and apply to the 1995 elections. City Attorney Slawter said that it would.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2155. This motion was seconded by Councilman Swicegood.

On a roll call vote of 7-0, Ordinance No. 2155 passed on its first and final reading.

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IV. NEW BUSINESS:

A. ORDINANCE NO. 2156 - ORDINANCE AMENDING CHAPTER 4, ARTICLE VI (UNSAFE BUILDINGS) AND ARTICLE VII (HOUSING CODE) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

City Attorney Slawter explained that this ordinance will amend Article VI of Chapter 4 (Unsafe Buildings) and Article VII (Housing Code) by changing the manner of service to the property owner(s) by: (1) allowing complaints and findings of fact to be served by first class mail; (2) requiring that notices and complaints be sent to certain designated non-profit housing agencies; and (3) requiring a process agent residing in Buncombe County for those property owners owning property in the City but living outside of Buncombe County.

Mayor Martin said members of Council have been previously furnished with a copy of the ordinance and it will not be read.

Councilman McClure moved for the adoption of Ordinance No. 2156. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2156 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 325

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 1, 1994

B. RESOLUTION NO. 94-224 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL BRIDGE AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR REPLACEMENT OF BRIDGE NO. 133 OVER HAW CREEK ON NC 81 KNOWN AS SWANNANOA RIVER ROAD

Summary: This agreement lays out the City's responsibilities for accomplishing the bridge replacement which includes the relocation and adjustment of municipally owned or franchised utilities. These relocations and adjustments for the water and sewer lines in the area have been accomplished, therefore, no additional work should be required to fulfill the City's responsibilities.

RESOLUTION BOOK NO. 22 - PAGE 132

C. RESOLUTION NO. 94-225 - RESOLUTION REAPPOINTING OSBORNE HART AS CHAIRMAN OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

Summary: This resolution will reappoint Osborne Hart as Chairman to the ABC Board for an additional three year term, term to expire November 13, 1997, or until his successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 133

D. RESOLUTION NO. 94-226 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

Summary: This resolution will appoint Judy Long as a regular member to the Board of Adjustment to serve an unexpired term. The term will expire on January 21, 1996, or until her successor has been appointed and qualified. -11-

RESOLUTION BOOK NO. 22 - PAGE 134

E. MOTION SETTING A PUBLIC HEARING FOR DECEMBER 6, 1994, TO DESIGNATE THE LOUGHRAN BUILDING, LOCATED AT 43 HAYWOOD STREET, AS A LOCAL HISTORIC LANDMARK

F. MOTION SETTING A PUBLIC HEARING FOR DECEMBER 20, 1994, RELATIVE TO REZONING 15 LOTS ON PISGAH VIEW ROAD FROM R-3 MEDIUM RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT

Councilwoman Field moved for the adoption of the consent agenda. This motion was seconded by Councilman Watts and carried unanimously.

VI. OTHER BUSINESS:

At 5:45 p.m., Councilman Swicegood asked to be excused from the meeting. Vice-Mayor Peterson moved to excuse Councilman Swicegood from the meeting. This motion was seconded by Councilman McClure and carried unanimously.

A. INSURANCE SETTLEMENT

Councilman McClure moved that the City Manager and other necessary City representatives be authorized to sign all documents necessary to settle the claim filed against the City by Wellmon and Floree Eaves related to water damage sustained on or about July 24, 1994, at their home at 201 Tacoma Circle for \$35,000. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

B. MINORITY BUSINESS PLAN

Mr. H. K. Edgerton voiced his concerns over the commitment of Council on the recommendations submitted by the Minority Business Commission resulting from

the disparity study.

Mayor Martin assured Mr. Edgerton that the City was wholly committed to the Minority Business Plan and as soon as the new City Manager was finished reviewing the Plan it would be brought back to Council for action.

C. PETITION - STEPHENS-LEE COMMUNITY CENTER

Mr. Everette Parrish, 25 Walton Street, presented the City Council with a petition containing approximately 781 signatures which reads "We, the undersigned, being citizens and taxpayers in the City of Asheville, North Carolina, petition and urge that you approve the proposal made to the City Council on August 23, 1994, that was presented by the Director of Parks and Recreation, Mr. Ray Kisiah, and Mathews and Glazer Architects PA as to the renovation and restoration of the Stephens-Lee Community Center. It is our concern that this historical and beloved area of our city be preserved and properly used by all of its citizens. We desire that you intercede for us and instruct our City Manager to participate in making available the required funding for this project.

Upon inquiry of Mayor Martin, Mr. Ray Kisiah, Director of Parks and Recreation, stated that the City currently has budgeted \$350,000 for this project, however, cost estimates range from \$1.5 million to \$1.7 million.

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When Councilwoman Sitnick inquired about some type of fee which might be imposed for a specific area that would be earmarked for use in that specific area, Mr. H.K. Edgerton felt the African American community would be very receptive to that idea.

D. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville from October 20 - November 2, 1994: Paul K. Karsten Jr. (Public Works), Tracy B. Page (Water), Kathryn Wolfe (Water), Steven A. Jackson (Water), BellSouth Telephone (Water), BellSouth Telephone (Water), Beatrice Wallcoff (Streets), Marguerite Bailey (Inspections), Wind in the Oaks Condominiums (Water), Onley Pressley (Water), Terry and Debra Henderson (Inspections) and Jeannette Houston (Police).

He also said the following claims have been received during the week of November 3-9, 1994: Bernice McCreary (Street), Elizabeth Holland (Water), Doris Burnett (Water), Tim Bell (Water), Henry Frisbee (Sanitation) and BellSouth Telephone (Water).

He said that these claims would be referred to the appropriate insurers for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:06 p.m.

CITY CLERK MAYOR
