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Tuesday - September 11, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, and Eugene W. Ellison; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Charles Penny, Assistant City Manager/Deputy City Clerk

Absent: Councilmen Norma T. Price, Wilhelmina Bratton, and

William W. Estes; City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Bishop Robert Johnson of the Episcopal Diocese in Western North Carolina.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the August 28, 1990 meeting.

ANNOUNCEMENT

Mayor Michalove announced that Councilmen Norma T. Price, Wilhelmina Bratton and William W. Estes were absent due to them being out of town.

I. PROCLAMATIONS:

A. Proclamation - "Ducky Derby Days"

September 15 and 16, 1990.

Mayor Michalove read the proclamation and presented it

to Jerry Grant, Chairman for the Ducky Derby. Mr. Grant said 20,000 yellow, rubber duckies will be launched September 15 and 16 to raise money for critically ill and injured children at Memorial Mission Hospital. Mr. Grant said "Ducky Derby" features two events - a Saturday night "Derby Dance" and the Sunday afternoon "Rubber Duck River Dash." He said all money raised during the 2-day Derby is earmarked for equipping the new Pediatric Intensive Care Unit to be housed in the East Tower at Mission Hospital.

Mayor Michalove said duck sponsorships are being offered

to the community at a cost of \$5 per duck and can be obtained at all major banks and all local Hallmark outlets. He encouraged the citizens of Asheville to

participate in this very worthy cause.

B. Presentation of Historic Preservation Foundation Award.

Mayor Michalove said the City of Asheville was chosen by

the Historic Preservation Foundation of North Carolina to receive a 1990 Gertrude S. Carraway Award of Merit for its outstanding efforts in the field of preservation. He said only eight such awards will be presented in North Carolina this year.

Mayor Michalove recognized Mrs. Grace Pless, who introduced The Honorable John Wesley Jones, former Ambassador to Libya and Peru, who served six years on the State Historic Resources Advisory Board. Mr. Jones presented the award to Mayor Michalove. Mr. Jones said the prestigious award is being presented to the City of Asheville for its long-standing commitment and outstanding achievement in its efforts toward historic preservation in the City of Asheville.

Mrs. Pless introduced members of the Historic

Preservation Foundation who were present at the meeting - Keith Roberts, Marie Colton, Kent Newell, and Jeanne Warner.

B. Resolution No. 90-122 - Resolution of appreciation for recent retiree, Troy E. McHone.

Mayor Michalove read the resolution.

Mayor Michalove presented the resolution to Chief Beavers for delivery to Lt. McHone.

Upon motion of Vice Mayor Moore, seconded by Councilman Ellison, Resolution No. 90-122 was unanimously approved.

Resolution Book No. 18 - Page 202

C. Resolution No. 90-123 - Resolution of appreciation for recent retiree, Mary Lla Leet Hudson.

Mayor Michalove recognized Lla Leet Hudson and read the resolution.

Mayor Michalove said Ms. Hudson retired from her

position as Fringe Benefits Specialist effective July, 1990, after 21 years of service. He said Mrs. Hudson

had faithfully served the needs of City employees and their families and had been instrumental in the development of a multifaceted Fringe Benefits Program for the City.

Upon motion of Councilman Ellison, seconded by Vice

Mayor Moore, Resolution No. 90-123 was unanimously approved.

Councilman Frank said she appreciated the expeditious

manner in which Mrs. Hudson had obtained information for

the Police Pension Board.

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D. Proclamation - "French Broad River Week" -

September 15-23, 1990.

Mayor Michalove proclaimed the week of September 15-23, 1990, as "French Broad River Week."

F. Proclamation - "Rehabilitation Week" -

September 16-22, 1990.

Mayor Michalove proclaimed the week of September 16-22, 1990, as "Rehabilitation Week."

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Resolution 90-124 - Resolution to close a portion of

Beaver Drive.

Mayor Michalove said a petition signed by all property

owners along the unopened portion of Beaver Drive has been received. He said there would be no adverse effects from closing the right-of-way, and that the Lake View Park Commission has been notified of the proposed closing. He said a public hearing was held on this matter on August 7, 1990, and action on the resolution was postponed to give an adjacent property owner an opportunity to negotiate the closing with another property owner.

City Attorney William F. Slawter said Ms. McCracken had

been successful in her negotiations with Mr. Lamy and

had acquired a deed, which would be recorded later.

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 Frank, seconded by Councilman

Vice Mayor Moore, Resolution No. 90-124 was unanimously

adopted.

Resolution Book No. 18 - Page 204

**B. Ordinance No. 1864 - An ordinance amending Chapter 19A
of the Code of Ordinances of the City of Asheville**

(Personnel Ordinance) - Second Reading.

Mayor Michalove said a draft comprehensive Personnel

Ordinance has been developed. He said the proposed ordinance incorporates the recommendations of several employee committees. He said the ordinance will be supplemented by Civil Service Rules and Regulations and City-wide personnel policies. He said this ordinance was read on first reading on August 28, 1990.

Mayor Michalove said this ordinance was previously read

and will not be reread in its entirety.

City Manager said staff is still trying to find a way to

address the concern relative to worker's compensation, and that a report would be presented to City Council as part of the policies to be attached for next week's meeting.

David McFee of the Asheville Fire Department said he

would prefer that the Council leave the policy as it is now stated. He also inquired about the status of payroll deductions, and was informed by Personnel Director Pam McGrayne that this would be according to city policy and that she would be happy to work this out with Mr. McFee.

On a roll call vote of 4-0, Ordinance No. 1864 passed on

second reading.

Mayor Michalove said the ordinance would be considered

on third and final reading, along with the policies, on

September 18th.

IV. NEW BUSINESS:

A. Ordinance No. 1867 - Budget Ordinance amendment

appropriating funds for the lease/purchase of the City's Radio Communication system and provide for operating costs for radio management.

Mayor Michalove said the City has negotiated with

Wachovia for the funds and with Motorola for the equipment and installation. He said City Council

adopted Resolution No. 90-111 on August 14, 1990,

which approved the execution of the documents.

Mayor Michalove said this ordinance was previously

presented to Members of the City Council and will not be read in its entirety.

Vice Mayor Moore moved for the adoption of Ordinance No.

1867. This motion was seconded by Councilman Frank.

On a roll call of 4-0, Ordinance No. 1867 passed on first and final reading.

Ordinance Book 12, Page 260

B. Bids for four (4) Brush Chippers for the Public Works

Department.

City Manager Doug Bean said there had been many

inconsistencies in the bid specifications, he would recommend that Council reject all bids and authorize staff to re-advertise the revised specifications.

Vice Mayor Moore moved to reject all bids and authorize

staff to re-advertise the bids for the brush chippers. This motion was seconded by Councilman Ellison and carried unanimously.

C. Bids for the Roof Repair/Replacement of the Asheville

City Hall Building.

City Manager Doug Bean said bids for the City Hall

Building roof repair/replacement were received on July 12, 1990, by Wood and Port, P.A., Architect for the City Hall Renovation Project. He said he would recommend that the Council award the bid to the low bidder for the project - United Roofing & Metal, who submitted a base bid of \$157,035 and an Alternate Bid of \$86,490 for a total of \$243,525.

Mr. Bean said the City Hall Building had suffered water

damages from roof leaks. He said blistering and peeling of the roof surface has also been observed, and he would recommend reroofing as opposed to overlaying again. He said the recommended roofing system will consist of an E.P.D.M. single-ply rubber roofing membrane. He said this type roof had also been used at North Fork. Mr. Bean said all roof drains and strainers will be repaired

or replaced and that all gutters will be coated and sealed.

Responding to questions from Councilman Ellison, Mr.

Bean explained that the replacement of steel and plaster damage would be done by the contractor under the City Hall Renovation Project at a separate cost of

\$37,844.00. He said that the base bid is for the Bell Tower and

top roof, and the alternate bid is for the roof on the second floor.

Upon inquiry of Councilman Frank, Mr. Bean said there

would be a 2-year warranty on labor and a 10-year warranty on materials.

Councilman Ellison moved to award the bid for the roof

repair/replacement to the low bidder, United Roofing & Metal of Asheville, in the amount of \$157,035 for the base bid

and \$86,409 for the alternate bid for a total of \$243,525. This motion was seconded by Councilman Frank and carried unanimously.

D. Ordinance No. 1868 - Budget Ordinance amendment to appropriate additional funding for the complete reroofing of City Hall Building.

Mayor Michalove said due to extensive deterioration of

the existing roofing on the built-up sections of the City Hall Building, a complete reroofing of these areas is necessary. He said this budget amendment will provide for this expenditure.

Mr. Bean said \$200,000 will be transferred from the Capital Building Reserve Fund to the City Hall Renovation Budget for this project.

Mayor Michalove said this ordinance was previously presented to Members of the City Council and will not be read in its entirety.

Vice Mayor Moore moved for the adoption of Ordinance No. 1868.

This motion was seconded by Councilman Frank.

On a roll call vote of 4-0, Ordinance No. 1868 passed on first and final reading.

Ordinance Book 12, Page 261

E. Resolution No. 90-125 - Resolution stating the intent of the City of Asheville to consider the annexation of an area known as the West area and fixing the date of the public hearing on the question of annexation.

Mayor Michalove said the North Carolina General Statutes

provides that any municipal governing board desiring to annex territory under the provisions of General Statutes 160A-49 shall first pass a resolution stating the intent of the municipality to consider annexation.

Patty Tallerday said this resolution states the intent of the

City of Asheville to consider the annexation of an area West of the City Limits. She said this resolution will schedule a public hearing on the question of annexation at 7:00 P.M. on November 13, 1990. She said a report setting forth plans for the extension of municipal services to the area proposed for annexation will be presented for adoption by City Council at least 30 days prior to the date of the public hearing.

Responding to Councilman Ellison, Ms. Tallerday said the area in

question includes the same area as the prior annexation that had failed. However, she said, with the exclusion of over

90 acres, the vacant land compensates for the discrepancy that existed in the previous annexation attempt.

Mr. Tom Plemmons, resident of the area being considered for

annexation, requested a description of the boundaries and that Council try to schedule the public hearing at the Enka High School or the Sand Hill School.

Mr. William V. Henry of 98 Starnes Cove Road, Enka, promised

Council that they would be in for another fight on the annexation. He said he questioned the City's ability to annex areas when he saw in the paper there were 146 crimes in the City of Asheville as opposed to 34 crimes in Buncombe County.

Mayor Michalove said staff would have copies of the service plan

available in the City Clerk's Office at least 30 days before the public hearing. He said the plan would be reviewed at the public hearing, and everyone would be given an opportunity to comment on the plan.

Councilman Ellison assured Mr. Henry and Mr. Jones that he would

study the issue thoroughly prior to the official vote to annex the area, but that the action today was needed to begin the process. He said all residents of the area in question, as well as any other citizen of Asheville, would be heard on the question of annexation at the public hearing on November 13th.

Craig Roberts, resident of Green Valley Road, said his property

is close to the proposed annexation said the City is trying to bring a lot of people into the area who don't want to become city residents and this is

going to have a negative impact on the City. He encouraged Council to give more consideration to the public relations of this matter.

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 Frank, seconded by Vice Mayor Moore,

Resolution No. 90-125 was unanimously adopted.

Resolution Book No. 18 - Page 204 & 205

V. CONSENT:

At the request of Vice Mayor Moore, items under the Consent

Agenda were considered individually.

A. Resolution No. 90-126 - Resolution directing the City

Clerk to advertise an offer of purchase for upset bids regarding property on Bear Creek Road.

Mayor Michalove said the City owns a parcel of land on

Bear Creek Road. He said Grover C. Mathews, an adjacent property owner, has made an offer of \$4,500 for the purchase of this property.

City Manager Doug Bean said the City has no anticipated

use for the property, other than reservation of certain utility easements. Before the sale can be authorized, a notice of the offer must be published in the newspaper. This resolution will direct the City Clerk to publish the required notice. Assuming there is no upset bid, a subsequent resolution will authorize the Mayor to execute the deed conveying the property and any other closing documents.

Upon inquiry of Vice Mayor Moore, City Attorney William

F. Slawter said an appraisal of the property is not available today, but that one would be done at Mr. Mathews' expense and that information would be available when this matter comes back before the City Council. He said Mr. Mathews offer was based on the 1990 tax

valuation.

Mayor Michalove said Members of Council were previously

furnished copies of the resolution, and it would not be

read in its entirety.

Upon motion of Vice Mayor Moore, seconded by Councilman

Frank, Resolution No. 90-126 was unanimously adopted.

Resolution Book No. 18 - Page 206

B. Motion - Scheduling public hearing relative to rezoning

of property on Swannanoa River Road for Gold Dot Foods for September 25, 1990.

Mayor Michalove said the Asheville Planning and Zoning

Commission on August 8, 1990, reviewed and recommended approval of rezoning a part of the southeastern portion of Lot 40 of Ward 8, Sheet 6 as shown on the Buncombe County tax maps (Swannanoa River Road) from R-3 Residential District to LI Light Industrial.

Vice Mayor Moore pointed out that John Cram, who owns 8

acres abutting the property to be rezoned, did not receive a notice. He requested that Mr. Cram be given official notice of the public hearing.

Councilman Frank moved to schedule the public hearing

relative to the rezoning of property on Swannanoa River Road for Gold Dot Foods for September 25, 1990. This motion was seconded by Councilman Ellison and carried

unanimously.

VI. OTHER BUSINESS:

A. Resolution No. 90-127 - Resolution appointing member to

the Asheville Transit Authority

Mayor Michalove said as previously discussed at the Midyear City Council Retreat due to the resignation of Mable Hopkins, an appointment was needed to the Asheville Transit Authority. He said Grace Dorn has agreed to serve on the Authority and will serve the unexpired term of Mable Hopkins, term expiring December 31, 1992.

Upon motion of Vice Mayor Moore, seconded by Councilman

Ellison, Resolution No. 90-127 was unanimously adopted.

Resolution Book No. 18 - Page 212

B. Group Development - Aberdeen Meadows

Planning Director Julia Director presented the Aberdeen

Meadows Group Development for City Council's consideration. She said the Asheville Planning and

Zoning Commission had reviewed and approved the site plan with one contingency on September 5, 1990, approval by the Federal Emergency Management Agency of the requested revisions to the flood elevations of Beaverdam Creek in the project area.

Ms. Cogburn said Mr. and Mrs. J. Stanley Crum are

proposing the development of 20, 2-bedroom apartments on a 3.29 acre site located at the intersection of Beaverdam Road and Killian Road approximately 60 feet from its intersection with Beaverdam Road. She said several residents had voiced opposition to the development at the hearing before the Planning and Zoning Commission, and that a petition had been received opposing the project. In addition, she said staff had recommended denial of the project based on traffic and sewer concerns.

Ms. Cogburn answered questions from City Council Members

relative to the traffic and sewer concerns. As it pertains to these concerns, she said the difference in consideration of this development and 20 individual homes would be that the homes would be considered on an individual basis.

Vice Mayor Moore moved to schedule a public hearing on

the site plan of the proposed Aberdeen Meadows Development for September 25, 1990. This motion was scheduled by Councilman Frank and carried unanimously.

C. Petition - Overlook Place Residents

Mayor Michalove said he had received a petition from the

residents of Overlook Place petitioning the City to place Overlook Place (North) on the City's street system. He presented the petition to the City Manager for review and recommendation.

D. Ralph Bishop

Ralph Bishop appeared before the City Council asking why

nobody will take any action to rectify the wrongs he brings to the attention of the City Council.

E. Homer S. Kennedy - Inquiry on public meeting schedule

relative to Public Works Complex Site

Homer Kennedy inquired about the date of the meeting

scheduled relative to the Public Works Complex site.

Mayor Michalove told Mr. Kennedy the Council is waiting

for the Task Force to complete its review, but that hopefully this meeting will be held at 4:00 P.M. on October 2, 1990,

Claims - Teresa Sapp (Water) - Bob Adams (Streets) - Tammy Lee Burke (Water) - Christopher Rollins (Streets) - Ellen Teague (Water) - Elizabeth Grier (Water) - Jeff and Elizabeth Wood - (Water) - Michael Williams (Water) - Ernie Welborn (Sewer) - Mike Ball (Water) - Tom Butler (Water) - Carolyn Chandler (Water) - Virginia McCullers (Water) - John Holt (Sewer) and Glenda Briggs (Sewer)

The City Manager said claims have been received from Teresa Sapp (Water), Bob Adams (Streets), Tammy Lee Burke (Water), Christopher Rollins (Streets), Ellen Teague (Water), Elizabeth Grier (Water), Jeff and Elizabeth Wood (Water), Michael Williams (Water), Ernie Welborn (Sewer), Mike Ball (Water), Tom Butler (Water), Carolyn Chandler (Water), Virginia McCullers (Water), John Holt (Sewer) and Glenda Briggs (Sewer).

In claims for the City, the City Manager said the City has recovered \$1,092.75 from Alan D. Lambert and \$616.95 from Velvet Ridge Greenhouses.

Mayor Michalove referred the claims to the appropriate insurers

for investigation.

VII. ADJOURNMENT

Upon motion of Councilman Ellison, seconded by Vice Mayor Moore the City Council adjourned to Executive Session at 5:30 P.M.

MAYOR CITY CLERK
