

Tuesday - October 9, 1990 - 4:00 P.M.

Regular Meeting

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

G. Moore; Councilmen Mary Lloyd Frank, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and

Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mary Lloyd Frank and Norma T. Price (Out of Town)

INVOCATION

The invocation was given by Councilman Estes.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the October 2, 1990 meeting as submitted.

INTRODUCTION - CITY MANAGER INTERN

City Manager Doug Bean introduced Nancy Farmer, the new City Manager Intern for the next three months. He said Ms. Farmer is employed as a Shift Supervisor in the Telecommunications Division of the Asheville Police Department. Mr. Bean said Ms. Farmer is currently working on a Bachelor's Degree at UNC-A.

INTRODUCTION - STUDENT REPRESENTATIVE PROGRAM

Assistant City Manager Charles Penny introduced Scott Stevens. He said Scott is a senior at Asheville High School and has been chosen as a student representative from Asheville High School and will attend the Council Meetings for the next four weeks. He said Scott is the son of John and Cissi Stevens.

I. PROCLAMATIONS:

A. Presentation of Certificate of Achievement for

Excellence in Financial Reporting.

Mayor Michalove recognized Besty Wilson, Finance Director of

Lenoir and North Carolina State Representative to the Government Finance Officers Association of the United States and Canada.

Ms. Wilson said the Certificate of Achievement for

Excellence in Financial Reporting Award is being presented to the City of Asheville by the Government Finance Officers Association of the United States and Canada for the 1989 Comprehensive Annual Financial Report (CAFR). She said the award is a tribute to the elected officials of the City of Asheville and reflects the highest form of recognition in the field of governmental accounting. Ms. Wilson said this award is also used by bond agencies when they assess and rate the financial condition of cities. She said only 151 awards were made nationwide, and that 49 of these were to Counties and Cities in North Carolina. Ms. Wilson presented the award to Larry Fisher, Finance Director.

Mr. Fisher said this is the 10th year the City has received

this award. He introduced Charlotte Tell, City Accountant. He said Ms. Tell is retiring next May, and this is the last award she will be here to receive.

Charlotte Tell introduced Pat Lecky, Assistant City

Accountant; Joe Elkins, Accountant Senior; and Dottie Lawing, Accountant. She said the production of the CAFR was a team effort that could not have been done without these staff members and the cooperation of other departments.

Mayor Michalove said the desire for quality is something the

City forces itself to do. He commended Mr. Fisher and the staff of the Accounting Division for the dedication and hard work they put forth each year in an effort to achieve the

award.

II. PUBLIC HEARINGS:

A. Public hearing relative to amending Chapter 30 of the Code

of Ordinances of the City of Asheville (deleting requirements for concrete runways for mobile homes in Mobile Home Parks) - Ordinance No. 1870.

Mayor Michalove opened the public hearing at 4:22 P.M.

The City Clerk presented the notice to the public and the affidavit of publication.

Gerald Green said this is a wording amendment to the Zoning

Ordinance to delete the requirement for concrete runways for mobile homes in mobile home parks. He said the amendment would apply retroactively to existing mobile home parks as well as those developed in the future. He said this ordinance will repeal Section 30-3-16 (B) (2) (m) in its entirety and a new Section 30-3-16 will be substituted in lieu thereof as follows:

2. Development Standards.

(m) Each mobile home shall be erected or located on a

permanently constructed stand of the

characteristics as given in the following:

1. The location of each mobile home shall be at

such elevation, distance and angle in relation to the parking bay and the adjacent access drive that placement and removal of the mobile home is practical by means of customary moving

equipment.

2. Each mobile home stand shall be situated no

nearer than twenty (20) feet from any other stand and no nearer than twenty (20) feet to any driveway which provides common circulation

to mobile home sites within the park.

3. No mobile home stand shall be located with direct access to a public street.

The Mayor closed the public hearing at 4:27 P.M.

Mayor Michalove said this copies of this ordinance were previously presented to members of City Council, and the ordinance would not be read in its entirety.

Councilman Bratton moved for the adoption of Ordinance No.

1870. This motion was seconded by Vice Mayor Moore.

On a roll call vote of 5-0, Ordinance No. 1870 passed on first reading.

Councilman Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1870. This motion was seconded by Vice Mayor Moore and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1870 passed on second reading.

Councilman Ellison moved to suspend the rules and proceed to the third reading of Ordinance No. 1870. This motion was seconded by Vice Mayor Moore and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1870 passed on third and final reading.

Ordinance Book No. 12, Page 265

III. OLD BUSINESS:

A. Ordinance No. 1869 - Third reading of an ordinance rezoning property on Swannanoa River Road for Gold Dot Foods.

Mayor Michalove said Gold Dot Foods, the Petitioner, would

like to rezone a part of the southeastern portion of Lot 40 of Ward 8, Sheet 6, shown on the Buncombe County Tax maps (Swannanoa River Road) from R-2 Residential District to LI Light Industrial. He 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-2 Residential District to LI Light Industrial. He said this ordinance was read on first reading on September 25, 1990, and on second reading on October 2, 1990.

Mayor Michalove said this ordinance was previously read on

first and second readings and would not be read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1869 passed on third and final reading.

Ordinance Book No. 12, Pages 262-264

B. Resolution No. 90-150 - Resolution approving the Report for the annexation of an area known as the West Area.

Mayor Michalove said N.C. Gen. Stat. 160A-49(c) requires

the City Council to approve the Report of Major Municipal Services to be extended to the West area proposed for annexation 30 days prior to the public hearing. He said the public hearing to consider the annexation of the West area is scheduled for November 13, 1990.

Patty Tallerday, Senior Planner, by use of a map pointed the

boundaries of the proposed annexation. She said the territory to be annexed meets the standards of N. C. General Statutes 160A-48, which defines the character of the area to be annexed.

Ms. Tallerday reviewed services for Police and Fire protection,

solid waste collection, street maintenance, street lighting and signage, traffic control, transit services, and water and sewer services contained in the "Plan for the Extension of Major Municipal Services." She said major City services will be provided to persons living within the annexation area the same as those that are being provided within the rest of the City.

Ms. Tallerday said the area proposed for annexation includes an area

within the Enka-Candler Fire Service District. She said a rural fire department may request that the City make a good faith offer to negotiate a 5-year contract with the rural fire department to provide fire protection to the area. She said a written request to negotiate a 5-year contract was submitted to the City Clerk on September 25, 1990, signed by S. S. Haney, Chief, Enka-Candler Fire and Rescue Department, Inc. She said the City is prepared to make a good faith offer to negotiate a 5-year contract, and in the event a contract is entered into, fire protection service to the annexation area will be provided by both the Enka-Candler Fire and Rescue Department, Inc., and the City of Asheville. She said Station 6 will be relocated from its present location at 970 Haywood Road to a location on the Smoky Park Highway Corridor to provide fire protection service to the area

Ms. Tallerday said one (1) private solid waste collection firm is

presently providing services in the area proposed for annexation. She said this company may make a written request if it wishes to contract to continue providing services to the proposed annexation area. She said the request must be signed by an officer or owner of the firm and delivered to the City Clerk at least 10 days before the public hearing. She said the City may either contract with the private firm to provide collection services in the area

to be annexed for a period of two years or may pay to the private firm, in lieu of a contract, a sum equal to the "economic loss" as defined by General Statute. She said the level of service will be performed on the same basis and in the same manner as is already being provided in the City.

Ms. Tallerday said the proposed West annexation area is being served

by an 18-inch water line along Sand Hill Road, a 12-inch water line along Monte Vista, Moody Avenue, and Highway 19/23, and a 6-inch water line along Asbury Road and Highway 19/23. She said adjacent streets are served primarily with existing 6-inch and 2-inch water lines. She said improvements to the West area will include 22,385 linear feet of

6-inch or 8-inch water lines along Grandview Road, Selwyn Road, Acton Circle, Acton Woods Circle, Holcombe Road, Edgewood Road, Old Haywood Road, Knoll Ridge Road, and U.S. 19/23. Ms. Tallerday said the total cost for water line improvements will be approximately \$1,143,400, which will be funded by the Water Capital Improvement Fund.

Ms. Tallerday said the West annexation area is served by the 27-inch

Hominy Creek Interceptor (serving the BASF Plant) and the 18-inch Ragsdale Creek Interceptor. She said the majority of this area is served by 8-inch collection sewers. She said an additional 29,160 feet of 8-inch sewer line improvements will be needed to adequately serve the area. She said the majority of new lines will be constructed along Monte Vista Road, Acton Circle, and Acton Woods Road west of U.S. 19/23, along Pritchard Drive, Mayfair Drive, and Crestwood Lane in the western area, and along Sand Hill Road and Gudger Road in the southeastern area.

Ms. Tallerday said sewer lines will be extended in accordance with

the Sewer Consolidation Agreement dated November 21, 1989, entered into by and between the City of Asheville and the Metropolitan Sewerage District (MSD). She said this agreement provides that City shall fund 65% of the cost of construction and MSD 35% of those costs. She said the total costs of improvements are approximately \$1,420,990, which will be funded pursuant to the Sewer Consolidation Agreement.

In addition, Ms. Tallerday said a separate agreement of the same

date was entered into between the MSD and the Enka-Candler Water and Sewer District. She said these two agreements provide that the MSD shall pay the principal of and interest on a sanitary sewer bond issued by the Enka-Candler Water and Sewer District (ECWSD) from the Farmers Home Administration in the amount of \$1,451,000 as of June 30, 1989. She said the Sewer Consolidation Agreement further provides that the City is obligated to reimburse the MSD for a portion of each payment of principal and

interest on the Bond to be made by MSD. She said the reimbursement is in proportion to the linear feet of ECWSD lines lying within the corporate limits of the City of Asheville as a result of the annexation.

Ms. Tallerday said the first year estimated cost of street, street

lighting, traffic, solid waste, and police and fire services to the area would be \$987,128. She said \$535,371 of this amount is for one-time capital expenses. She said annual estimated revenues are \$830,078.

Upon inquiry of Councilman Estes, City Manager Doug Bean said the

City is obligated to have water lines and hydrants available within two years of the effective date of annexation. He said this should make homeowners in the area eligible for a new fire insurance rate at lower premiums.

Mr. Tom Plemmons, resident of proposed annexation area, requested a

map showing land use of each lot and also a map showing streets that the City intends to pave or improve. Ms. Tallerday said she would provide the land use and street

information to Mr. Plemmons.

Mayor Michalove said members of Council were previously

furnished copies of the resolution, and it would not be read in its entirety.

City Attorney William F. Slawter, responding to Councilman

Ellison, said the effect of today's resolution is another step in the annexation procedure set forth in the General Statutes, which requires the City Council to adopt the Plan of Services 30 days prior to the public hearing so it is

available for public review. He said the public hearing is scheduled for November 13, 1990.

(A COPY OF THE REPORT OF PLANS FOR EXTENSION OF CITY SERVICES IS AVAILABLE TO THE PUBLIC IN THE OFFICE OF THE CITY CLERK)

Ms. Tallerday confirmed that the location of the public

hearing would be the Enka Middle School at 7:00 P.M. She said that notices of the hearing would be mailed to all property owners in the proposed annexation area.

Upon motion of Councilman Bratton, seconded by Vice Mayor Moore, Resolution No. 90-150 was unanimously adopted.

Resolution Book 18, Page 239

C. Certification of Sufficiency of the petition for annexation

of a contiguous area on Richmond Hill Drive known as the Richmond Hill Inn and Conference Center.

City Attorney William F. Slawter said no action is required

on the part of City Council relative to the Certificate of Sufficiency of the petition for annexation. He said the City Clerk has certified the petition.

D. Resolution No. 90-151 - Resolution fixing date of public

hearing on question of annexation of property located on Richmond Hill Drive known as the Richmond Hill Inn and

Conference Center for October 30, 1990.

Mayor Michalove said the City Clerk has investigated and

made certification as to the sufficiency of the petition for the annexation of property known as the Richmond Hill Inn and conference Center as required by G.S.

160A-31. He said this resolution will fix the date of the

public hearing for October 30, 1990.

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 Vice Mayor

Moore, Resolution No. 90-151 was unanimously adopted.

Resolution Book 18, Page 240 & 241

IV. NEW BUSINESS:

A. Resolution No. 90-152 - Resolution authorizing submission of an amended Statement of Community Development Objectives and Projected Use of Funds.

Marvin Vierra, Community Development Director, said this

resolution will authorize submission of an Amended Statement of Objectives to HUD to allocate CDBG program income in the amount of \$158,000 and reallocate \$400,000 of CDBG funds currently appropriated to the Rankin Parking facility, which has been deleted from the CDBG Program. He said the amendment will provide \$442,725 for housing rehab, \$30,000 for Mountain Housing Opportunities, \$35,275 for Habitat for Humanity, and \$50,000 for West Chapel Circle drainage. He said the amended Statement of Objectives contains projected use of the entitlement amount of \$965,000 and \$558,000 in program income and surplus funds

for a total budget of \$1,523,000.

The following is the proposed budget in the Amended

Statement of Objectives:

Hill/Cherry Street Area (Head of Montford) Impvt. \$ 487,354

City-Wide Housing Rehab Grants/Loans 150,000

FAIR Homeowner Rehab 292,725

CARROT Rental Rehab 150,000

Downtown Affordable Housing Demonstration 86,300

Neighborhood Housing Services 30,000

Habitat for Humanity 35,275

Mountain Housing Opportunities 30,000

West Chapel Circle Drainage 50,000

Public Housing Victims Assistance 13,846

Fair Housing Program 14,500

Minority Business Program 30,000

Comprehensive Planning 30,000

Community Development Administration 123,000

Total \$ 1,523,000

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 Bratton, seconded by Vice Mayor Moore,
Resolution No. 90-152 was unanimously adopted.

Resolution Book 18, Page 242 & 243

B. Annual Report - Affirmative Action Goals.

Mayor Michalove recognized Pam McGrayne, Personnel Director.

Ms. McGrayne said the Affirmative Action Plan was adopted on June

22, 1988. She reviewed the status of program objectives established for FY 1989-90, reviewed the employment goals for FY 1989-90 and the status of whether departments had achieved their minority and female employment goals for this time period, and presented program objectives and employment goals for FY 1990-91.

At the request of Mayor Michalove, Ms. McGrayne said she would

provide Council with an Executive Summary explaining past, current, and future status of Affirmative Action goals and objectives.

**C. Ordinance No. 1871 - Budget amendment to appropriate funds
for fire pumper.**

City Manager Doug Bean said \$135,000 was budgeted for a fire pumper

fire years ago. However, he said, the lowest responsible bid for the fire pumper was \$141,795, which was \$6,795 over the amount budgeted. He said this budget amendment will

appropriate the additional funds needed.

Mayor Michalove said members of Council were previously furnished

copies of the ordinance, and it would not be read in its

entirety.

Councilman Bratton moved for the adoption of Ordinance No. 1871.

This motion was seconded by Vice Mayor Moore.

On a roll call vote of 5-0, Ordinance No. 1871 passed on first and
final reading.

Ordinance Book 12, Page 266

V. CONSENT:

Mayor Michalove said at the request of any member of City

Council or the public, any item listed on the consent agenda may be considered separately. He summarized the items on the

Consent Agenda.

A. Resolution No. 90-153 - Resolution of intent to close

**unnamed alley running west off North Market Street and
calling for a public hearing on November 13, 1990.**

Summary: A petition to close an unnamed alley off North

Market Street running westerly and south of Lot 180 of Ward 2, Sheet 1 of the Buncombe County Tax Maps was received from David Hillier, Howard Gum, and 53 North Market Street Associates. All utilities have been asked to notify the City if any utility easements need to be maintained upon the alley to be considered for closing. Public Works has investigated the petition and find no reason the alley should not be closed. Downtown Development has also been notified of the

proposed closing.

Resolution Book 18, Pages 244 & 245

B. Bids for Pistols for Police Department.

Summary: Staff recommends award to the fourth low bidder

meeting specification and delivery requirements, Lawmen's Safety Supply, Inc., Raleigh, North Carolina, in the net bid amount of \$21,680.00 for the purchase of:

60 "Sig Sauer" Model P220

.45 caliber pistols at \$457.00 each \$27,420.00

LESS TRADE-IN for 20 used model

5 S&W revolvers at \$135.00 each <2,700.00>

60, 7-round magazines at \$24.00 each \$1,440.00

LESS TRADE-IN of 28 used model

66 S&W revolvers at \$160.00 each <\$4,480.00>

TOTAL NET BID \$21,680.00

A complete bid summary is on file in the Office of the City
Clerk.

C. Bids for Fire Pumper/Squad Unit for Fire Department.

Summary: Staff recommends award to the fourth low bidder

meeting specification requirements, Central States Fire Apparatus, Lyons, South Dakota, for one (1) 1990 "SPARTAN", Model Diamond Eurospace No. DS-26-2042 Cab and Chassis with a "CENTRAL STATES", Model MS-1250 body and assorted options for a total bid of \$141,303.00.

A complete bid summary is on file in the Office of the City
Clerk.

Councilman Bratton moved for the adoption of the consent agenda. This motion was seconded by Vice Mayor Moore and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS - ACTION BY THE PLANNING AND ZONING

COMMISSION

Mr. Gerald Green, Senior Planner, 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 the action of the Planning and Zoning Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission at their meeting

on October 3, 1990:

1. Mini-Storage Company/600 Patton Avenue - (Phase III, IV, & V)

Mr. Green said George Morosani, Developer, is proposing the

construction of an additional six (6) self-service storage facility. He said the site is zoned LI, Light Industrial, and is 4.6 acres in area. Phases I and II of the development, consisting of three (3) buildings, have been completed. He said the six buildings range in size from 1,200 square feet to 4,000 square feet and one of them will include a manager's office/residence. He said an issue considered by the Planning and Zoning Commission in reviewing the plan was the location of the sign installed during the construction of Phases I and II within the DOT right-of-way. However, he said the Developer is negotiating with DOT to purchase a portion of the right-of-way for the sign.

Mr. Green said after reviewing the site plan and hearing the

comments of Planning Department and of the developer, the Planning and Zoning Commission voted to approve the request

with two contingencies:

a. The approval does indicate the Commission's concurrence

in or agreement with the location of the sign; and

b. The Planning Director shall review the approved plan for

Phases I and II and assure that these phases were

constructed in accordance with the approved plan.

City Council accepted the recommendation of the Planning and Zoning Commission by taking no action.

2. Addition to Twin Oaks Mobile Home Park

Mr. Green said the owner, Allen Moss, is proposing the

addition of three (3) mobile homes to the Twin Oaks Mobile Home Park, which is located on Bingham Road near the Square D Plant. He said the site is 0.6 acre in area and is zoned R-5 Residential District. He said water and sewer service lines would be located under the mobile homes. He said the Fire Department has recommended the installation of a fire hydrant to provide adequate fire protection for the additional mobile homes. He said no public comments were received at the Planning and Zoning Meeting.

Mr. Green said after reviewing the site plan and hearing the comments of the staff, the Planning and Zoning Commission

voted to approve the request with three contingencies:

a. Receipt of a letter indicating approval of water and sewer services;

b. Installation of a fire hydrant as directed by the Fire

Department and testing of the hydrant by City staff to assure that adequate pressure is available for fire protection; and

c. Water and sewer lines located under the mobile homes

should conform with applicable state and local regulations and be moved if necessary to conform with these regulations.

City Council accepted the recommendation of the Planning and

Zoning Commission by taking no action.

3. Additions/Renovations to Skyland K-Mart

Mr. Green said K-Mart, located on U.S. 25 in Skyland, is

proposing the construction of an addition to their commercial operation. He said the proposed addition will consist of approximately 16,000 square feet of enclosed space plus a garden shop patio. He said some parking spaces will be lost as a result of the addition, but the remaining parking will meet the requirements of the zoning ordinance. He said the Developers state that the existing buffer and parking lot landscaping will remain undisturbed.

Mr. Green said after reviewing the site plans and hearing

comments from the staff, the Planning and Zoning Commission

approved the request with one contingency:

a. The existing vegetative buffer and fence along the

property line with Gerber shall remain undisturbed.

City Council accepted the recommendation of the Planning and

Zoning Commission by taking no action.

4. Marietta Fourplex

Mr. Green said Terrence Walz is requesting approval for the

construction of a 4-unit apartment building to be located on Marietta Street. He said the site is zoned R-3 Residential, and is 0.43 acre in area, and the surrounding land uses are single-family residential with no other multifamily developments in the neighborhood. He said the proposed

apartments would be less than 800 square feet each.

Mr. Green said letters indicating availability of water and sewer service have not been received, nor has a letter been received from MSD providing a wastewater allocation. Mr. Green said the site plan was not prepared by a registered professional and does not meet the standards of the Planning and Zoning Commission.

Mr. Green said three neighboring property owners spoke at the meeting in opposition to the project. He said telephone calls were also received from several neighboring owners who opposed the proposed development.

After reviewing the site plan and hearing the comments of staff and the public, Mr. Green said the Planning and Zoning Commission voted to deny the request due to inadequacies in

the site plan.

City Council accepted the recommendation of the Planning and

Zoning Commission by taking no action.

B. Claims - Johnnie Staigo (Water), Patricia Taylor (Water),

Patricia Cothran (Water), Pat Dockery (Water), Pattie's Book Swap (Sewer) Pattie's Book Swap (Sewer) and Dan Fiore

(Streets).

The City Manager presented claims received from Johnnie

Staigo (Water), Patricia Taylor (Water), Patricia Cothran (Water), Pat Dockery (Water), Pattie's Book Swap (Sewer) Pattie's Book Swap (Sewer) and Dan Fiore (Streets).

Mayor Michalove said these claims have been referred to the

appropriate insurers for investigation.

C. ANNOUNCEMENT OF WATER TASK FORCE MEETING

Mayor Michalove announced that the Water Task Force would be

having a special meeting with City Council and the County Commissioners at 7:00 P.M. on Thursday, October 11, 1990, in

the Thomas Wolfe Auditorium of the Asheville Civic Center.

Mayor Michalove invited the public to attend the meeting.

D. MOTION - CITY MANAGER AUTHORIZED TO SIGN CONTRACTS FOR "LIGHT

UP YOUR HOLIDAYS"

City Manager Doug Bean requested that Council authorize him to sign contracts for "Light Up Your Holidays."

Vice Mayor made a motion that the City Manager be authorized

to sign contracts for "Light Up Your Holidays." This motion was seconded by Councilman Bratton and carried unanimously.

E. COUNCILMAN BRATTON - DESIGN REVIEW

Councilman Bratton said Councilman Frank, Councilman Estes

and herself had been appointed to the Design Review Committee. She said the Committee had distributed a package to Council today. She said the Committee would like to have input and suggestions from the Mayor and other Council

Members.

VII. ADJOURNMENT:

Mayor Michalove adjourned the meeting at 5:56 P.M.

MAYOR CITY CLERK
