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Tuesday - October 30, 1990 - 4:00 P.M.

Regular Meeting

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

William G. Moore; Councilmen Norma T. Price, 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: Councilman Wilhelmina Bratton, Councilman Eugene W.

Ellison and Councilman Mary Lloyd Frank

INVOCATION

The invocation was given by Councilman Price.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the October 16, 1990 meeting as submitted.

JOE HAIGHT - ASHEVILLE CABLEVISION

Joe Haight, General Manager of Asheville Cablevision

(United Artists) introduced Ann Hoag, new General Manager of Asheville Cablevision effective October 31, 1990. Mr. Haight said he would be leaving Asheville Cablevision and the Asheville area but enjoyed the working and personal relationship he had with the people in Asheville.

Mayor and members of Council welcomed Ms. Hoag but said

it was unfortunate that Joe Haight was leaving since he had been an asset to the cablevision industry in

Asheville and the community as a whole.

MS. AKIKO IRIBE - KUMAMOTO, JAPAN

The City Manager introduced Ms. Akiko Iribe from

Kumamoto, Japan who is participating in an international internship program involving Japanese local government managers through the Academy for State and Local Governments.

He said Akiko will be in Asheville for the next two

weeks. He said she has worked with the cultural facilities department of Kumamoto prefecture for the past two years and is especially interested in tourism

development.

I. PROCLAMATIONS:

A. Resolution No. 90-160 - Resolution of appreciation to recent retiree, Ransom Robinson.

Harold Huff, Director of Water and Sewer Services, said

Mr. Robinson has been with the City for 20 years. He worked in the Water Maintenance Department as a Meter

Technician and retired in September, 1990.

Mayor Michalove read the resolution.

Upon motion of Councilman Price, seconded by Vice-Mayor

Moore, Resolution No. 90-160 was unanimously adopted.

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B. Resolution No. 90-161 - Resolution of appreciation to recent retiree, Lee Roy Clements.

Harold Huff, Director of Water and Sewer Services,

introduced Mr. Clements and said Mr. Clements has been with the City for 7 years. He worked in the Water Maintenance Department as a Labor Crew Supervisor II and

retired in September, 1990.

Mayor Michalove read the resolution.

Upon motion of Councilman Price, seconded by Vice-Mayor

Moore, Resolution No. 90-161 was unanimously adopted.

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Mayor Michalove presented the resolution to Lee Roy Clements.

C. Resolution No. 90-162 - Resolution of appreciation to recent retiree, Lee Monroe Parham.

Harold Huff, Director of Water and Sewer Services,

introduced Mr. Parham and said Mr. Parham has been with the City for 9 years. He worked in the Water Maintenance Department as an Auto Mechanic and retired in September, 1990.

Mayor Michalove read the resolution.

Upon motion of Councilman Price, seconded by Vice-Mayor

Moore, Resolution No. 90-162 was unanimously adopted.

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Mayor Michalove presented the resolution to Lee Roy Clements.

II. PUBLIC HEARINGS:

A. Continuation of public hearing relative to Hillside Development requirements.

SUMMARY: Ordinance amending the Hillside Development

Requirements as set forth in Ordinance Number 631. The proposed amendments would assure that graded areas are distributed throughout the site and extend the Hillside Development Regulations to subdivisions. This public hearing was held on August 21, 1990 but was

continued until October 30, 1990.

It is anticipated that this public hearing will be continued until the November 27, 1990 meeting.

Vice-Mayor Moore moved to continue the public hearing relative to Hillside Development requirements until November 27, 1990 without further advertisement. This motion was seconded by Councilman Estes and carried unanimously.

B. Public hearing relative to the annexation of property located on Richmond Hill Drive.

Ordinance No. 1875 - An ordinance to extend the

Corporate Limits of the City of Asheville, North Carolina, by annexing a contiguous area located on

Richmond Hill Drive.

Mayor Michalove opened the public hearing at 4:20 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.

Julia Cogburn, Director of Planning, said the owners of

property contiguous to the City Limits of the City of Asheville have requested to be annexed. The property is owned by the Education Center, Inc. and is the site of the Richmond Hill Inn and Conference Center (Ward 12, Sheet 24, Lot 80). She said the site contains approximately 7-1/2 acres and is located at 87 Richmond Hill Drive. She said the procedures outlined in

N. C. Gen. Stat. Sec 160A-31 have been followed relative to annexation by petition.

Jim Samsel, with the Education Center, Inc. requested that Council read the ordinance on three readings at today's meeting.

The City Attorney noted that the ordinance could not be read on three readings today since it takes a 2/3's vote of Council (5 members) to suspend the rules to proceed to the second and third readings of an ordinance.

Mayor Michalove closed the public hearing at 4:29 p.m.

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

Vice-Mayor Moore moved for the adoption of Ordinance No. 1875. This motion was seconded by Councilman Price.

On a roll call vote of 4-0, Ordinance No. 1875 passed on first reading.

C. Public hearing relative to rezoning property on Forest Hill Drive - Memorial Mission Medical Center, Owner.

Mayor Michalove opened the public hearing at 4:32 p.m.

and said the petitioner requested that the public hearing be continued until December 11, 1990.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Councilman Estes moved to continue the public hearing until December 11, 1990 without further advertisement. This motion was seconded by Councilman Price and carried unanimously.

Mayor Michalove requested that the Planning Department notify the property owners in the area of the continuation of the public hearing.

### III. OLD BUSINESS:

A. Resolution No. 90-163 - Resolution to close Beaumont Street between South Charlotte Street and South Market Street.

The City Manager said the closing of this section of

Beaumont Street will allow maximum usage of the area for the Public Works Operations Complex. He said the City staff met with the South Pack Square Committee relative to the closing of Beaumont Street to develop a compromise to their opposition to closing Beaumont Street. He presented a site plan for the Public Works Facility Complex. He said the closing of Beaumont Street is necessary for the internal circulation of operations. He said the residents of the area are concerned about the impact the facility will have on the commercial area of Eagle and Market Street. He said an acceptable compromise was reached to relocate South Beaumont Street as shown on the proposed site plan.

Wanda Henry Coleman, with the YMI Cultural Center, Inc.

said the Public Works Facility Study Team recommends the approval of the Public Works Facility Plan, with the proposed relocation of South Beaumont Street, and the contingency that the present site of the Water Department Building on South Charlotte Street (Old Beaumont Street) be converted for use as a neighborhood commercial site. She said the residents strongly recommend that Council give assurance that a neighborhood commercial site will be found for the neighborhood.

Jim Samsel, Co-Chairman of the South Pack Square

Committee, reiterated comments made by Wanda Henry Coleman.

Members of Council said they could not commit the Water

Department Building on South Beaumont Street for a neighborhood commercial site but would be willing to work with the residents to find a suitable commercial site in the area.

Larry Holt, Deputy Executive Director of the Housing Authority, said the original East End/Valley Street Redevelopment Plan included plan to move the commercial zoning out of the residential area. He said the Housing Authority was not involved in the recommendation regarding South Beaumont Street.

Dee Williams, with the Asheville Business Development

Council, said the residents in the area are concerned about the proposed Public Works Facility. She said the area has been disinvested.

After considerable discussion, Councilman Price moved

for the adoption of Resolution No. 90-163 to close Beaumont Street as recommended on the site plan presented by the City Manager. She further moved that the City Staff work with the South Pack Square Committee for the development of a neighborhood commercial site for the area. This motion was seconded by Vice-Mayor Moore and carried unanimously.

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#### IV. NEW BUSINESS:

A. Ordinance No. 1876 - Ordinance creating the Asheville-Buncombe Fair Housing Commission.

The City Attorney said the City Council created the

Asheville Fair Housing Commission on October 15, 1985. He said this ordinance

establishes the Asheville-Buncombe Fair Housing Commission under authority of Chapter 213 of the 1989 North Carolina Session Laws.

Councilman Price questioned why the provisions of the ordinance stated that the Buncombe County Commissions appoint four (4) members and the Asheville City Council appoint three (3) members.

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

Councilman Price moved for the adoption of Ordinance No. 1876. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 4-0, Ordinance No. 1876 passed on first reading.

B. Report on the petition regarding assessment process for street improvements.

Assistant City Manager Charles Penny reviewed the following memorandum relative to assessments for public improvements.

MEMORANDUM TO: Douglas O. Bean, City Manager

FROM: Charles W. Penny, Assistant City Manager

DATE: October 26, 1990

SUBJECT: Petition Assessment for Public Improvements

The city has been approached by a number of property owners requesting that the City take over the maintenance of private streets. The prerequisite utilized by the City staff for taking over the maintenance of streets is that the streets meet City standards, and in most cases, the streets do not conform to city standards. In order for the city to take over the maintenance of the streets, the streets must be brought up to city standards and property owners are requested to participate on a 50/50 basis with the city in bringing the streets up to standards. The North Carolina General Statutes section 168-216 authorizes the city to make special assessments for improvements to streets, sidewalks, water or storm drainage systems.

The use of the special assessment process will allow property owners to spread their share of the cost over a five to ten year period. Only a majority of the property owners are required to petition for the assessment process to be utilized. The actual costs of the project assessed to the property owners are collected annually on the property owners tax bill. Only 50% of the actual costs of the improvements can be assessed to the property owners unless all of the property owners affected by the improvement agree to a higher percentage. Property owners also pay interest for using the assessment process at a rate not to

exceed 8 percent per year.

Currently, City staff is working with a number of communities that are requesting City maintenance of their roads. One example is the Deerwood community off Hendersonville Highway. Property owners are requesting that we maintain their streets; however, the streets were not built to city standards when the development was put in several years ago. Staff estimates the property owners cost to be approximately \$100,000, and the property owners have been informed of this cost. We have also shared with the property owners information on the assessment process as provided under the North Carolina General Statutes. The property owners in the Deerwood community have asked us to proceed with defining the specific work to be done and an estimated cost for the work.

The assessment procedures contain a number of requirements that the City Council must approve. Council will be required to adopt a number of resolutions, to conduct a public hearing, and to review the final cost upon completion of the work.

Our Legal staff has been involved in developing the necessary documents for proceeding with the use of the assessment process, and if we can answer any further questions on this matter we will

certainly attempt to do so.

The City Manager said funds could be built into the CIP

Budget for the assessment process and Council could

control how much the city will commit to each project.

C. Resolution No. 90-164 - Resolution approving an

amendment to the Asheville-Buncombe Water Authority By-Laws and authorizing the execution of an amendment to the Supplemental Water Agreement.

The City Attorney said this resolution will approve an

amendment to the Asheville-Buncombe Water Authority bylaws and authorize the execution of an amendment to the Water Agreement so as to provide that the terms of the Water Authority members may be extended. The current provisions of the Water Agreement and the bylaws limit membership on the Water Authority to two (2) successive three (3) year terms. That restriction will still apply except when there is agreement by the City,

the County and the Water Authority to do otherwise.

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

Estes, Resolution No. 90-164 was unanimously adopted.

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D. Resolution No. 90-165 - Resolution extending the terms

of the current members of the Asheville-Buncombe Water Authority.

The City Attorney said this resolution will extend the

terms of the City appointees to the Asheville-Buncombe Water Authority by one (1) year each. Similar actions will be taken by the County and the Water Authority to extend the terms of the other members for one (1) year.

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 Estes, Resolution No. 90-165 was unanimously adopted.

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V. CONSENT:

VI. OTHER BUSINESS:

Resolution No. 90-166 - Resolution authorizing the condemnation of property in the Delaware Avenue Street Improvement Project

The City Manager presented a resolution authorizing the condemnation of property in the Delaware Avenue Street Improvement Project. He said the Delaware Avenue improvements require additional right-of-way from three different property owners, settlements have been reached with two owners. Negotiations with the third owner are still \$2,550.00 apart. Further negotiations will require a substantial period of time and the Delaware Avenue Project would have to be shut down unless a negotiated settlement is reached within the next 30 days. Condemnation of the portion of property would allow the project to continue with only slight delay. Although the property is condemned, every effort will be made to reach a negotiated settlement with Mr. Bowling.

Upon motion of Councilman Estes, seconded by Councilman Price, Resolution No. 90-166 was unanimously adopted.

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Claims - B. C. Wright (Streets) - Mrs. J. C. Graham (Water) - Eric Velez (Sewer) - Betty Patterson (Streets) - Dennis Thomas

(Streets) - City of Asheville (Property)

Claims were presented from B. C. Wright, Mrs. J. C. Graham, Eric Velez, Betty Patterson, Dennis Thomas and the City of Asheville.

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

Lawsuit - Debbie Welborn (Appeal from Civil Service Board Decision) - Jack V. Babb (Supplemental Retirement Benefits for

disability while acting in the line of duty)



The City was served with lawsuits on October 26, 1990

involving Debbie Welborn (appeal from Civil Service Board) and in the matter of the application and claim of Jack V. Babb, former employee of the Asheville Fire Department.

These lawsuits have been referred to the appropriate legal counsel for action.

Lucy Harrison - Ridge Street

Mayor Michalove read a letter received from Lucy Harrison

from 38 Ridge Street requesting that the City take action to demolish and remove 42 Ridge Street.

Lucy Harrison appeared before Council requesting that the condemned house be demolished and that the walkways on Ridge Street be improved.

Mayor Michalove requested that the City Manager give members of Council a report on this request at next week's Council meeting.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 6:00 p.m.

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MAYOR CITY CLERK

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