

Tuesday - December 3, 1991 - 4:00 p.m.

ORGANIZATIONAL SESSION:

Mayor-elect Kenneth M. Michalove welcomed everyone to the organizational session and introduced Reverend Ivory Hunter who gave the invocation.

The Honorable Robert D. Lewis, Senior Resident Superior Court Judge, administered the Oath of Office to the following:

Mayor Kenneth M. Michalove

Councilman Eugene W. Ellison

Councilman Barbara Field

Councilman William G. Moore

Councilman Chris J. Peterson

Councilman Joseph Carr Swicegood

Councilman Charles R. Worley

RESOLUTION NO. 91-194 - RESOLUTION OF APPRECIATION FOR COUNCILWOMAN WILHELMINA B. BRATTON

Mayor Michalove read the resolution.

Upon motion of Councilman Moore, seconded by Councilman Ellison, Resolution No. 91-194 was unanimously adopted.

Due to the absence of Mrs. Bratton, Mayor Michalove stated that we would send to her the resolution, a plaque and her name plate.

RESOLUTION BOOK NO. 19 AT PAGE 51

RESOLUTION NO. 91-195 - RESOLUTION OF APPRECIATION FOR COUNCILMAN WILLIAM W. ESTES

Mayor Michalove read the resolution.

Upon motion of Councilman Moore, seconded by Councilman Ellison, Resolution No. 91-195 was unanimously adopted.

Mayor Michalove presented Councilman Estes with the resolution, a plaque and his name plate.

RESOLUTION BOOK NO. 19 AT PAGE 55

RESOLUTION NO. 91-193 - RESOLUTION OF APPRECIATION FOR COUNCILWOMAN MARY LLOYD FRANK

Mayor Michalove read the resolution.

-2-

Upon motion of Councilman Moore, seconded by Councilman Ellison, Resolution No. 91-193 was unanimously adopted.

Mayor Michalove presented Councilwoman Frank with the resolution, a plaque and her name plate.

RESOLUTION BOOK NO. 19 AT PAGE 50

RESOLUTION NO. 91-196 - RESOLUTION OF APPRECIATION FOR COUNCILWOMAN NORMA T. PRICE

Mayor Michalove read the resolution.

Upon motion of Councilman Moore, seconded by Councilman Ellison, Resolution No. 91-196 was unanimously adopted.

Mayor Michalove presented Councilwoman Price with the resolution, a plaque and her name plate.

RESOLUTION BOOK NO. 19 AT PAGE 53

ELECTION OF VICE-MAYOR

Councilman Moore nominated Councilman Ellison as Vice-Mayor of the City of Asheville.

Councilman Worley moved that the nominations be closed. This motion was seconded by Councilwoman Field and carried unanimously.

On a voice vote, Councilman Ellison was unanimously elected as Vice-Mayor.

Mayor Michalove announced that a recess would be held for approximately 10 minutes, after which time the regular meeting would be held.

REGULAR SESSION:

INVOCATION

The invocation was given by Mayor Michalove.

APPROVAL OF THE MINUTES

The minutes of the November 19, 1991, City Council meeting were approved.

-3-

PROCLAMATIONS:

A. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT TO TONY LEWIS, CITY MANAGER INTERN

City Manager Bean presented a Certificate of Achievement to Tony Lewis, who was the City Manager Intern for the last quarter.

B. PROCLAMATION PROCLAIMING DECEMBER 1, 1991, AS "WORLD AIDS DAY"

Mayor Michalove proclaimed December 1, 1991, as "World Aids Day" and presented the proclamation to Ms. Ann Beidleman.

Ms. Beidleman outlined some events that took place on December 1 and thanked the Council members for their support.

C. "FIRST NIGHT ASHEVILLE" INFORMATION

Mayor Michalove outlined some events that would be taking place during "First Night Asheville."

II. PUBLIC HEARINGS: None

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. SCHEDULING OF A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE VON RUCK HOUSE AS A LOCAL HISTORIC LANDMARK

Councilwoman Field moved to schedule a public hearing on December 17, 1991, to consider the adoption of an ordinance designating the property known as the Von Ruck House and located at 52 Albemarle Place as a local historic landmark. This motion was seconded by Councilman Moore and carried unanimously.

Vice-Mayor Ellison requested information on the amount of taxes the City would be losing if this property was designated as a local historic landmark.

-4-

B. APPROVAL OF THE FINAL PLAT FOR PHASE III OF THE FOREST LAKE SUBDIVISION LOCATED ON ROCK HILL ROAD

Mr. Gerald Green, Senior Planner in the Planning Department, said that on February 14, 1990, the Asheville Planning and Zoning Commission granted preliminary plat approval for Forest Lake Subdivision, a 135 lot development located on Rock Hill Road. He said the Commission recommended approval of variances to permit a cul-de-sac right-of-way radius of 45 feet (rather than 50 feet) and to permit street grades in excess of 12%. The City Council granted these variances on March 13, 1990.

Mr. Green said that the final plat for Phase I (13 lots) was approved by the City Council on April 10, 1990, and for Phase II (21 lots) on July 17, 1990.

Mr. Green stated that on October 2, 1991, the Asheville Planning and Zoning Commission reaffirmed its February, 1990, approval of the preliminary plat since the one year period of validity for the plat and variances approval had expired. He said they recommended approval of the requested variances/modifications. The requested variances/modifications were:

1. Permit a right-of-way radius of 45 feet at the cul-de-sac turnaround; and
2. Permit a section of road approximately 150 feet in length to have a grade of 17% and a section of road approximately 130 feet in length to have a grade of 18%.

Mr. Green said that the final plat for Phase III (11 lots) was approved by the City Council on October 29, 1991. He said the developers have submitted a final plat for Phase III-B (36 lots) to the Planning Department for review and approval. The final plat for Phase III-B complies with the City of Asheville's subdivision regulations. This section of the subdivision is located outside the City limits in the City's extraterritorial jurisdiction and therefore, improvements (streets, water, sewer, etc.) do not have to be constructed prior to final plat approval.

Councilman Moore moved to approve the final plat for Phase III of the Forest Lake Subdivision. This motion was seconded by Councilman Worley and carried

unanimously.

-5-

C. ORDINANCE NO. 1954 - BUDGET AMENDMENT TO APPROPRIATE FUNDS FOR THE RENTAL REHABILITATION PROGRAM

City Manager Bean stated that the City has received funding approval of \$72,000 from HUD for the Rental Rehabilitation Program. He said the Program is administered under contract by the Housing Authority. He said all grant funds are used for deferred payment loans to investors/owners of substandard rental property and that the loan proceeds must be matched by private funding commitment to complete the rehabilitation.

City Manager Bean said that this Program has provided \$562,944 for 50 loans since inception of the program in 1985.

Councilman Moore moved for the adoption of Ordinance No. 1954. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 1954 passed on its first and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 12

V. CONSENT: None

VI. OTHER BUSINESS:

A. RESOLUTION NO. 91-197 - RESOLUTION ENCOURAGING THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS NOT TO SITE A LANDFILL ON THE PROPERTY LOCATED NORTH OF LONG SHOALS ROAD AND WEST OF OVERLOOK ROAD ON THE BILTMORE ESTATE PROPERTY

Mayor Michalove read the resolution stating that the City Council strongly requests the Buncombe County Commissioners to eliminate from consideration for the Buncombe County landfill the site identified at the intersection of Long Shoals Road and I-26. He said this site is in close proximity of two schools, a potential water treatment plant and is a prime location for future economic development opportunities.

Upon motion of Councilman Moore, seconded by Councilman Ellison, Resolution No. 91-197 was unanimously adopted.

Councilman Ellison moved that the Mayor send this resolution to the County Commissioners. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 54

-6-

B. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop read some information to the City Council relative to the provisions regarding availability of City Council minutes. He also expressed concern on the time limitations for speaking set for him.

Mayor Michalove and Councilman Moore asked to be excused from the meeting at 5:20 p.m.

C. COMMENTS BY MIKE SUMMEY

Mr. Mike Summey challenged the City Council for Asheville to be a growth City or not a growth City.

D. CLAIMS

City Manager Bean stated that the following claim was received by the City for November 11-15, 1991: Sarah Hughes (Civic Center).

City Manager Bean also stated that the following claims were received by the City for November 18-22, 1991: Gregory Patton (Water); Neise Tucker (Water); Southern Bell (Water); Joyce Coffey (Sanitation); and Jean Keen (Sanitation).

City Manager Bean finally stated that the following claims were received by the City for November 25-29, 1991: Phillip Fisher (Water); and Patrick K. Jackson (Police).

City Manager Bean stated that the above claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT

Vice-Mayor Ellison adjourned the meeting at 5:30 p.m.

---

City Clerk Mayor

---