

Tuesday - March 31, 1992 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilwoman Field gave the invocation.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the March 17, 1992, City Council minutes.

I. PROCLAMATIONS:

A. RESOLUTION NO. 92-32 - RESOLUTION OF APPRECIATION TO RECENT RETIREE TERRY MOORE

Mayor Michalove read the resolution and asked that it be sent to Mr. Moore who was unable to be present at the meeting.

Upon motion of Councilman Moore, seconded by Vice-Mayor Ellison, Resolution No. 92-32 passed unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 140

B. RESOLUTION NO. 92-33 - RESOLUTION OF APPRECIATION TO RECENT RETIREE HAROLD RAY

Mayor Michalove read the resolution and presented it to Mr. Harold Ray who has served the City of Asheville for 15 years.

Upon motion of Councilman Moore, seconded by Vice-Mayor Ellison, Resolution No. 92-33 passed unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 141

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C. RESOLUTION NO. 92-34 - RESOLUTION OF APPRECIATION TO RECENT RETIREE HERMANN ROSENFELD

Mayor Michalove read the resolution and presented it to Mr. Hermann Rosenfeld who has served the City of Asheville for 15 years.

Upon motion of Councilman Moore, seconded by Vice-Mayor Ellison, Resolution No. 92-34 passed unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 142

D. RESOLUTION NO. 92-35 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL FOR ITS PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE FOREIGN EXCHANGE STUDENTS AND TEACHER FROM JAPAN AND AN EXCHANGE STUDENT FROM NEW ZEALAND

Mayor Michalove read the resolution and asked that Mr. Masaki Mochizuki, teacher from Japan, recognize each student and their host families.

Upon motion of Councilman Worley, seconded by Vice-Mayor Ellison, Resolution No. 92-35 passed unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 143

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 18 IVEY STREET

City Attorney Slawter asked that this public hearing be postponed for two weeks in order to clarify some legal concerns relative to service.

Upon inquiry of Councilman Peterson, Bob Hixson, Director of Building Inspections, stated that the cost to demolish this structure would be approximately \$2,500 which will be handled in-house by the Public Works Department. He said that the City will bill the owner for this cost and if the owner is unable to pay, the City will place a lien on it.

Vice-Mayor Ellison moved to postpone this public hearing until April 14, 1992, without further advertisement. This motion was seconded by Councilman Worley and carried unanimously.

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III. OLD BUSINESS:

A. RESOLUTION NO. 92-36 - RESOLUTION AUTHORIZING THE MAYOR TO RECONVEY THE ARCHITECTURAL AND CONSERVATION FACADE EASEMENT FOR THE OLD GLOBE FURNITURE BUILDING

Doug Bean gave a brief summary of the background information on this particular issue. He said that on January 7, 1992, DeVere Lentz, owner of the building, asked that Council table any action in order to give the Preservation Society time to see if they can come up with enough money to stabilize and restore the facade.

Mr. Harry Weiss, Executive Director of the Preservation Society, stated that the Preservation Society had presented three options to Mr. Lentz, all of which he was not interested in pursuing. He stated that Mr. Lentz was interested in a property swap, however, the Preservation Society was not able to put that together at this time.

Upon inquiry of Ralph Bishop, Assistant City Manager Charles Penny enlightened Mr. Bishop on what the City's \$3,500 was spent on.

Mayor Michalove said that members of Council have been previously furnished with copies of the resolution and it would not be read in its entirety.

Vice-Mayor Ellison moved the adoption of Resolution No. 29-36. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 144

IV. NEW BUSINESS:

A. ORDINANCE NO. 1966 - AN ORDINANCE AMENDING SECTION 28-81.3 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

Mr. Jim Ewing, Director of Public Works, stated that a traffic study was conducted in January, 1992, at the request of residents in the area to reduce the speed limit on Robinhood Road and Brookwood Road. As a result of that traffic study, it is the recommendation of the Public Works Department to reduce the speed limit on Robinhood Road and Brookwood Road from 35 miles per hour to 25 miles per hour.

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

Councilman Moore moved for the adoption of Ordinance No. 1966. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 1966 passed on its first reading.

Councilman Worley moved to suspend the rules and proceed to the second reading of Ordinance No. 1966. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1966 passed on its second reading.

Councilman Moore moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1966. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1966 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 41

B. RESOLUTION NO. 92-37 - RESOLUTION DECLARING A REASONABLE OFFICIAL INTENT TO REIMBURSE THE WATER AUTHORITY FOR CAPITAL EXPENDITURES IN CONNECTION WITH A WATER SYSTEMS IMPROVEMENT PROGRAM MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THE PURPOSE OF FINANCING THE COST OF SUCH PROGRAM

City Manager Bean stated that this resolution would reimburse the Water Authority approximately \$1.5 Million in which they spent for the design of projects and the study and work that led up to the bond election.

Mayor Michalove said that members of Council have been previously furnished with copies of the resolution and it would not be read in its entirety.

Councilman Moore moved for the adoption of Resolution No. 92-37. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 145

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C. RESOLUTION NO. 92-38 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A

PETITION RECEIVED UNDER N. C. GEN. STAT. SEC. 160A-58.1 TO ANNEX A NONCONTIGUOUS AREA ON U.S. HIGHWAY 25 (HENDERSONVILLE ROAD) KNOWN AS THE ASHEVILLE OIL COMPANY, INC., PROPERTY

Ms. Patty Tallerday, Senior Planner, stated that the Planning Department received a petition from property owner Nick Koon asking that his property on Hendersonville Road (site of Bosco's, a new restaurant) be annexed into the City of Asheville. She said that the first step in the process is to certify the validity of the annexation petition and after that has been done, a public hearing will be set by the Council.

Mayor Michalove said that members of Council have been previously furnished with copies of the resolution and it would not be read in its entirety.

Councilman Moore moved for the adoption of Resolution No. 92-38. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 147

D. RESOLUTION AWARDING THE BID FOR STREET AND SIDEWALK REHABILITATION PROJECT (CONTRACT NO. 6) TO PAVING ENTERPRISES, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS RELATED THERETO

At the request of City Manager Bean, it was the consensus of Council to delay any action on this item in order to allow staff to investigate the bids further.

E. RESOLUTION AWARDING THE BID FOR STREET AND SIDEWALK REHABILITATION PROJECT (CONTRACT NO. 11) TO APAC-CAROLINA, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS RELATED THERETO

At the request of City Manager Bean, it was the consensus of Council to delay any action on this item in order to allow staff to investigate the bids further.

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F. RESOLUTION NO. 92-39 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH HUNTLEY CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS PEBBLE CREEK CONDOMINIUMS CREEK BANK STABILIZATION PROJECT

Assistant City Manager Penny said that the Pebble Creek Condominium property owners have requested the City of Asheville to make drainage improvements within the condominium property. Plans have been developed and reviewed by the property owners and the plans have met with their approval. The plans have been let out to bids and Huntley Construction Company was the low bidder in the amount of \$35,145. There will need to be a 10% contingency added to this amount bringing the maximum total cost to \$38,659. The Pebble Creek Condominium property owners have agreed to participate in the cost in the amount of \$20,000 leaving the City's total share at \$18,659. The property owners have also agreed to dedicate the City a drainage easement for future maintenance needs.

Mayor Michalove said that members of Council have been previously furnished with copies of the resolution and it would not be read in its entirety.

Councilman Moore moved for the adoption of Resolution No. 92-39. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 148

G. ORDINANCE NO. 1967 - BUDGET AMENDMENT TO APPROPRIATE \$19,000,000 WATER BOND PROCEEDS

City Manager Bean said that this budget amendment would appropriate the \$19,000,000 water bond proceeds to the Water Authority.

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

Councilman Moore moved for the adoption of Ordinance No. 1967. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 1967 passed on its first and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 42

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V. CONSENT AGENDA:

A. RESOLUTION NO. 92-40 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN EASEMENT IN FAVOR OF THE CAROLINA POWER & LIGHT COMPANY FOR PROPERTY AT THE ASHEVILLE REGIONAL AIRPORT

Summary: This resolution will authorize the Mayor to execute an agreement with Carolina Power & Light Company to install an electric line to serve various facilities for the French Broad Golf Center on property owned by the City of Asheville.

RESOLUTION BOOK NO. 19 AT PAGE 149

B. RESOLUTION NO. 92-41 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RAILROAD CROSSING SIGNALS IN ASHEVILLE

Summary: This resolution will provide for the installation of railroad crossing signals at the intersection of West Haywood Street and the Southern Railroad and Cole Street and the Southern Railroad. The City will be responsible for 10% of the total project cost. The City's share of this cost is \$14,000 plus \$1,250 annually for maintenance of signals/gates.

RESOLUTION BOOK NO. 19 AT PAGE 152

C. RESOLUTION NO. 92-42 - RESOLUTION REAPPOINTING A MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

Summary: The term of Paul Hensley expired on December 31, 1991. This resolution will reappoint Mr. Hensley for a 4 year term, term expiring December 31, 1995, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 153

D. RESOLUTION NO. 92-43 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS COMMITTEE

Summary: Virginia Washington has resigned as a member of the Asheville-Buncombe Crime Stoppers Committee. As a result of that resignation, the City Council will appoint Mr. Grant Osborne as a member of that Committee to fill the -8-

unexpired term of Mrs. Washington, term expiring on June 30, 1993, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 154

E. RESOLUTION NO. 92-44 - RESOLUTION APPOINTING A MEMBERS TO THE BOARD OF DIRECTORS OF VICTORIA OF ASHEVILLE

Summary: The terms of Matthew Bacoate, Darlene Wilkins, John Holt, Dorothy Maitland and John Shuford expired on November 29, 1990. This resolution will reappoint Matthew Bacoate, John Holt, Dorothy Maitland and John Shuford to serve 2 year terms, terms expiring November 29, 1992, or until their successors have been duly appointed and qualified. This resolution will also appoint Stan Bradley to serve the unexpired term of Darlene Wilkins, term expiring November 29, 1992, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 155

F. RESOLUTION NO. 92-45 - RESOLUTION REAPPOINTING MEMBERS TO THE MINORITY BUSINESS COMMISSION

Summary: The terms of Matthew Bacoate, Gail Gouge and Ronald Blythe expired on August 1, 1991. This resolution will reappoint Matthew Bacoate, Gail Gouge and Ronald Blythe to serve 1 year terms, terms expiring August 1, 1992, or until their successors have been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 156

G. RESOLUTION NO. 92-46 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Summary: The term of Diane McDonald expired on January 19, 1992. This resolution will appoint E. Benson Slosman to serve a 3 year term, term expiring January 19, 1995, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 157

Vice-Mayor Ellison moved for the adoption of the consent agenda. This motion was seconded by Councilman Worley and carried unanimously.

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VI. OTHER BUSINESS:

A. STATUS OF 10 SUNSET SUMMIT

Upon inquiry of Vice-Mayor Ellison, City Attorney Slawter stated that the City is in the process of proceedings with a tax foreclosure sale of 10 Sunset Summit and that the third reading of the ordinance to demolish the structure is on for City Council consideration on May 5, 1992.

B. REQUEST FROM RESIDENT AT 85 NORTH LIBERTY STREET

Ms. Cindy Gwen, resident of 85 North Liberty Street, asked the City Council to do whatever they could in order to locate the owner of 85 North Liberty Street (Robert James) and urge him to furnish heat and hot water to the tenants of that building.

Assistant City Manager Penny was asked to meet with Ms. Gwen and see what the City could do in this situation.

C. MIKE SUMMEY - CIBO REQUEST

Mr. Mike Summey read the following letter dated March 31, 1992, from the Council of Independent Business Owners, Inc., to the Council:

"At the most recent meeting of the board of directors of the Council of Independent Business Owners, Inc. (CIBO), a lengthy discussion occurred involving the Unified Development Ordinance (UDO) and other regulations effecting growth and development. During this discussion, a tremendous concern was expressed about the economic impact of such ordinance.

"At this meeting, the board unanimously approved sending a delegation to City Council to request that an 'Economic Impact Study' be conducted and reported to the public before any new ordinances are passed. This action was brought before the general membership meeting last Thursday and was unanimously approved by the more than eighty business owners in attendance.

"During the past thirty years, the population of the city has remained virtually unchanged in spite of the fact that the land area has more than doubled. The city's municipal credit report cites property and local option sales taxes as the major source of revenues and states these have shown steady increases. Property taxes as a percent of -10-

spendable income have increased dramatically over the past decade. Retail sales per household have shown a sharp decline relative to the statewide average since 1989.

"The City has major needs which must be funded in the near future and the members of CIBO feel the only way these needs can be met is through economic growth and development. We realize the UDO is designed to make investment in the city easier but we are concerned there are those who will use this process to create stumbling blocks rather than building blocks. We must face the facts, there are a number of people who want no more development in Asheville.

"For these reasons, CIBO feels the only way to safeguard against regulations which keep investment out is to require a mandatory 'Economic Impact Study' before any new regulation is passed. Just as we have moved to protect our environment with 'Environmental Impact Studies', we must protect our economic well being and our children's right to good jobs and a future in the area they were raised by requiring 'Economic Impact Studies'.

"The members of CIBO urge council to take action on this request before proceeding further with the UDO process. We also offer the expertise of the business community in developing the guidelines for an 'Economic Impact Study'."

Mayor Michalove stated that Councilman Moore would let the UDO Committee know of CIBO's request.

D. RALPH BISHOP

Mr. Bishop spoke against the three minute limit on speakers to bring items before the City Council.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 5:15 p.m.

CITY CLERK MAYOR
