

Tuesday - October 20, 1992 - 4:00 p.m.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson; 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: Councilman Joseph Carr Swicegood

INVOCATION

Councilman Worley gave the invocation.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the October 13, 1992, City Council minutes as submitted.

I. PROCLAMATION:

A. Recognition of Personnel Director Pam McGrayne and Personnel Staff for receiving The Government As Model Employer Award

City Manager Bean said that the City of Asheville is one of only 47 chosen in 1992 to receive The Government As Model Employer Award. The City received this award because it has demonstrated exceptional commitment to helping employees fulfill both work and family responsibilities.

Ms. McGrayne accepted the award on behalf of the City of Asheville and gave a brief background of the process.

B. PROCLAMATION PROCLAIMING OCTOBER 24, 1992, AS "ST. JUDE BIKE-A-THON DAY"

Mayor Michalove proclaimed October 24, 1992, as "St. Jude Bike-A-Thon Day" in the City of Asheville. He presented the proclamation to Mr. Boyd Evans, Coordinator of the Bike-A-Thon, and Ms. Cathryn Shaffer.

Ms. Shaffer invited the Council to attend the Bike-A-Thon on Saturday, October 23, 1992, at Recreation Park from 10:00 a.m. to 3:00 p.m.

C. PROCLAMATION PROCLAIMING THE MONTH OF OCTOBER, 1992, AS "NATIONAL PHYSICAL THERAPY MONTH"

-2-

Mayor Michalove proclaimed the month of October, 1992, as "National Physical Therapy Month" in the City of Asheville. He presented the proclamation to Ms. Nancy Righi who described some activities taking place during the month.

D. PROCLAMATION PROCLAIMING OCTOBER 24, 1992, AS "UNITED NATIONS DAY"

Mayor Michalove proclaimed October 24, 1992, as "United Nations Day" in the City of Asheville. He presented the proclamation to Mr. Tom Rodman and Mr. and Mrs. Jack Fobes who invited the Council and public to the UN Flag Raising Ceremony to take place on October 23, 1992, at 1:30 p.m. at the City/County Plaza.

E. PROCLAMATION PROCLAIMING OCTOBER 20, 1992, AS "NATIONAL BASKETBALL ASSOCIATION DAY"

Mayor Michalove proclaimed October 20, 1992, as "National Basketball Association Day" in the City of Asheville.

II. PUBLIC HEARING:

A. PUBLIC HEARING RELATIVE TO WHITE PINE DRIVE STREET ASSESSMENTS

RESOLUTION NO. 92-148 - RESOLUTION DIRECTING THAT THE WHITE PINE DRIVE PROJECT BEGINNING NEAR ITS INTERSECTION WITH BRACKETTOWN ROAD AND ENDING AT ITS INTERSECTION WITH U.S. HIGHWAY 70 (TUNNEL ROAD) BE UNDERTAKEN AND SPECIAL ASSESSMENTS MADE AGAINST BENEFITTED PROPERTIES

RESOLUTION NO. 92-149 - RESOLUTION FINDING THE WHITE PINE DRIVE PROJECT BEGINNING NEAR ITS INTERSECTION WITH BRACKETTOWN ROAD AND ENDING AT ITS INTERSECTION WITH U.S. HIGHWAY 70 (TUNNEL ROAD) COMPLETED, ASSESSING THE TOTAL COST AND CALLING FOR A PUBLIC HEARING ANNOUNCING THE COMPLETION OF THE PRELIMINARY ASSESSMENT ROLL

Mayor Michalove opened the public hearing at 4:22 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Jim Ewing, Director of Public Works, stated that the total cost of the project is \$46,123.50 and the amount which will be assessed is \$16,704.00. He stated that there are four property owners but one property owner, R.L. Coleman & Company, will pay the entire assessed cost.

-3-

City Attorney Slawter stated that a public hearing will need to be held on November 3, 1992, announcing the completion of the preliminary assessment roll.

Mayor Michalove closed the public hearing at 4:26 p.m.

Mayor Michalove stated that members of Council have been furnished with copies of both resolution and they will not be read.

Councilman Worley moved for the adoption of Resolution No. 92-148. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 303

Councilman Moore moved for the adoption of Resolution No. 92-149 setting a public hearing date of November 3, 1992, at 4:00 p.m. in the Council Chamber of the City Hall Building announcing the completion of the preliminary assessment roll. This motion was seconded by Vice-Mayor Ellison and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 304

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:

A. BOND ORDER AUTHORIZING THE ISSUANCE OF \$3,250,000 STREETS AND SIDEWALKS REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

Mayor Michalove introduced the Bond Order Authorizing the Issuance of \$3,250,000 Street and Sidewalk Refunding Bonds of the City of Asheville, North Carolina.

B. BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,250,000 PUBLIC IMPROVEMENT REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

Mayor Michalove introduced the Bond Order Authorizing the Issuance of \$10,250,000 Public Improvement Refunding Bonds of the City of Asheville, North Carolina.

C. RESOLUTION NO. 92-150 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF \$3,250,000 STREET AND SIDEWALK REFUNDING BONDS AND \$10,250,000 PUBLIC IMPROVEMENT REFUNDING BONDS OF THE CITY OF -4-

ASHEVILLE, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

City Manager Bean said that on September 29, 1992, the City Council directed the publication of its intent to apply to the Local Government Commission for its approval of \$13,500,000 General Obligation Refunding Bonds. Publication was accomplished on October 2, 1992, and the bond orders were introduced on October 20, 1992. The law provides that the City Council hold a public hearing and public the notice of that public hearing.

Councilman Moore moved for the adoption of Resolution No. 92-150 calling for a public hearing on November 3, 1992, at 4:00 p.m. in the Council Chamber of the City Hall Building. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 306

D. RESOLUTION TO APPLY TO STATE OF NORTH CAROLINA FOR GRANT FOR HOUSING REHABILITATION OF OAK KNOLL APARTMENTS

This item will be delayed until November 3, 1992.

E. DISCUSSION RELATIVE TO PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING TO LEVY SPECIAL ASSESSMENTS FOR THE BILTMORE VILLAGE PROJECT

Mr. Robert Griffin, architect and representative of the Biltmore Village property owners, said that since the City will be replacing Kitchen Place and Boston Way sidewalks with standard concrete, Biltmore Village is requesting that the City provide a different streetscape which would reflect the historic nature of Biltmore Village, especially since the 100th anniversary will be coming in 1995. The total cost of the brick sidewalks on Kitchen Place and Boston Way is \$140,000 and the business owners are asking the City Council to pay \$70,000 and they will pay \$70,000 over five years through a special tax assessment. Mr. Griffin stressed that Biltmore Village has been without any street improvements for approximately 50 years and feels that they are not unreasonable in asking the City to pay 50% of the brick sidewalk enhancement. He said that Biltmore Village brings in \$12 million each year in retail sales and a like amount in non-retail professional work. He said the City receives approximately \$240,000 in taxes from that.

-5-

Mr. Griffin said that Biltmore Village would also like to have street lights patterned after the original design for Biltmore Village which will cost

\$113,000, but they understand that the City cannot participate in the cost of the lights.

Vice-Mayor Ellison felt that he could not commit to the City spending more money until he sees the overall inventory of streets and sidewalks that the City Manager will be distributing in the near future. He felt that some needed improvements in other areas might be cut if they commit to spending money in this area.

Councilwoman Field moved to add an alternate into the bid document for the brick sidewalk enhancement. It was the consensus of Council that this motion was not meant to commit the Council to spend the money for the enhancement work to be done. This motion was seconded by Councilman Worley and carried unanimously.

V. CONSENT:

A. RESOLUTION NO. 92-151 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT WITH CAROLINA POWER & LIGHT COMPANY FOR PROPERTY AT THE ASHEVILLE REGIONAL AIRPORT

Summary: An easement is needed by CP&L for property at the Asheville Regional Airport. The easement will serve the Hertz maintenance facility and the electric line for said easement will be placed underground.

RESOLUTION BOOK NO. 19 AT PAGE 308

B. MOTION SETTING A PUBLIC HEARING ON NOVEMBER 3, 1992, TO CHANGE "McINTOSH ROAD" TO "KEENAN DRIVE" AT THE REQUEST OF THE RESIDENTS ON McINTOSH ROAD

C. MOTION SETTING PUBLIC HEARING ON REZONING OF 16 SEPARATE PARCELS LOCATED ON GASHES CREEK ROAD FROM R-2 RESIDENTIAL DISTRICT TO OI OFFICE INSTITUTIONAL FOR NOVEMBER 3, 1992

D. MOTION SETTING PUBLIC HEARING ON REZONING OF 4 PARCELS LOCATED ON CROWELL ROAD FROM R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICE FOR NOVEMBER 3, 1992

E. MOTION SETTING PUBLIC HEARING ON ZONING OF 2323 HENDERSONVILLE ROAD FOR NOVEMBER 3, 1992

-6-

F. RESOLUTION NO. 92-152 - RESOLUTION AUTHORIZING THE ASHEVILLE-BUNCOMBE WATER AUTHORITY TO ACQUIRE EASEMENTS BY CONDEMNATION

Summary: The Asheville-Buncombe Water Authority has requested authority to acquire easements by condemnation in connection with the West Asheville Connector Project. The water line has been installed and the Water Authority needs to obtain easements.

RESOLUTION BOOK NO. 19 AT PAGE 309

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

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENT

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 in accordance with this procedure, the action of the 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 on October 8, 1992:

#### HAW CREEK VILLAS

Mr. Green said that in November, 1983, the Asheville Planning and Zoning Commission and the Asheville City Council granted approval for the construction of Phase I of the Haw Creek Villas project, located on Haw Creek Circle. Phase I was to consist of three buildings with four dwelling units in each building. Two of the buildings were constructed and construction stopped, with the project eventually sold. The approval granted in 1983 became invalid due to lack of activity on the project.

He said the present owners, Brown and Workman, are requesting reaffirmation of the original approval to permit the construction of the third building in Phase I. All utility services are available to the project and adequate to meet the needs of the proposed building. Fire protection is available at the site. Following their review on October 8, 1992, of the site plan, the Planning and Zoning -7-

Commission voted 6-0 to recommend that the approval originally granted the project in November, 1983 be reaffirmed with one condition - the developer shall comply with all landscaping requirements established by the City of Asheville's Landscape and Buffering Ordinance.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

#### B. MOTION AUTHORIZING THE MAYOR TO SIGN A GRANT APPLICATION FOR A GRANT UNDER THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS PROGRAM

Vice-Mayor Ellison moved to authorize the Mayor to sign a grant application for a grant under the U.S. Department of Housing and Urban Development's Housing Opportunities for People with AIDS program. This motion was seconded by Councilman Moore and carried unanimously.

#### C. REQUEST

A request was made by representatives of the Gospel Tabernacle Church relative to additions to a building. City Manager Bean suggested the representatives meet with Gerald Green to find out how the request could be achieved.

#### D. CLAIMS

City Manager Bean stated that the following claims were received by the City of Asheville during the week of October 12-16, 1992: Nadeen Rolfe (Water), Shirley Kayne (Water), Southern Bell (Water), Southern Bell (Water), John R. Williams IV (Water), Steve Hillman (Streets), Steven Mendelsohn (Water), and Brenda Jones (Sanitation).

He said these claims have been referred to the appropriate insurers for investigation.

#### E. RALPH BISHOP

Mr. Ralph Bishop spoke against gambling in the City of Asheville.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 5:10 p.m.

---

CITY CLERK MAYOR

---